

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 MARSHALL DIVISION

4 PACKET INTELLIGENCE LLC )( CIVIL DOCKET NO.  
5 )( )(  
6 VS. )( 2:16-CV-230-JRG  
7 )( )(  
8 NETSCOUT SYSTEMS, INC. )( MARSHALL, TEXAS  
9 TEKTRONIX COMMUNICATIONS, )( OCTOBER 10, 2017  
AND TEKTRONIX TEXAS LLC )( 8:36 A.M.

10 TRANSCRIPT OF JURY TRIAL

11 BEFORE THE HONORABLE JUDGE RODNEY GILSTRAP

12 UNITED STATES DISTRICT JUDGE

13 APPEARANCES:

14 FOR THE PLAINTIFF: Mr. Paul J. Skiermont  
15 Ms. Sadaf R. Abdullah  
16 Mr. Steven K. Hartsell  
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19 COURT REPORTER: Ms. Shelly Holmes, CSR, TCRR  
20 Official Court Reporter  
21 United States District Court  
22 Eastern District of Texas  
23 Marshall Division  
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24 Marshall, Texas 75670  
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25 (Proceedings recorded by mechanical stenography,  
transcript produced on CAT system.)

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P R O C E E D I N G S

(Jury out.)

COURT SECURITY OFFICER: All rise.

THE COURT: Be seated, please.

Good morning, Counsel.

I understand, Mr. Skiermont, you'll be  
doing opening statements for Plaintiff; is that correct?

MR. SKIERMONT: Yes, Your Honor.

THE COURT: Would you like a warning on  
your time?

MR. SKIERMONT: Five minutes, please.

THE COURT: Okay. And how about opening  
statements for Defendant?

MR. KRAEUTLER: Eric Kraeutler for the  
Defendants, Your Honor. And I will not need a warning.

THE COURT: All right. And do I  
understand, Ms. Abdullah, that you are expecting a baby;  
is that correct?

MS. ABDULLAH: Yes, Your Honor.

THE COURT: All right. Because of that  
condition, should you need to excuse yourself for any  
reason during the course of the trial, you may simply  
walk behind counsel tables and go in and out that side  
door as you might need to.

MS. ABDULLAH: Thank you. I appreciate

1 it. I will do my best not to disrupt the proceedings.

2 THE COURT: That -- that latitude applies  
3 to you only. Unless there's somebody else in a similar  
4 condition that I'm not aware of. Okay.

5 MS. ABDULLAH: Thank you.

6 THE COURT: All right. Counsel, unless  
7 either side has something else we need to take up before  
8 I bring in the jury, we'll bring the jury in and begin  
9 with opening statements.

10 All right. Then bring in the jury,  
11 please.

12 COURT SECURITY OFFICER: All rise for the  
13 jury.

14 (Jury in.)

15 THE COURT: Good morning, ladies and  
16 gentlemen. Welcome back. Please have a seat.

17 Members of the jury, you'll recall that  
18 last week we selected and seated you as the jury in this  
19 case, and I gave you my preliminary instructions. We  
20 are now prepared and at the proper place to begin with  
21 opening statements from both Plaintiff and then  
22 Defendant.

23 I remind you of all the instructions I  
24 gave you earlier. That will apply throughout the trial  
25 until such time as I discharge you from your position as

1 jurors.

2                   With that, we'll now hear opening  
3 statements beginning with the Plaintiff.

4                   MR. SKIERMONT: Thank you, Your Honor.

5                   THE COURT: You may proceed,  
6 Mr. Skiermont.

7                   MR. SKIERMONT: Thank you, Your Honor.  
8 May it please the Court.

9                   Good morning, ladies and gentlemen.

10                   My name is Paul Skiermont, and it's my  
11 great honor to represent Packet Intelligence and present  
12 our opening statement to the members of the jury and  
13 this honorable Court.

14                   This is an important case. It's  
15 important to the owner of the patents, Packet  
16 Intelligence, whose owners took a risk to leave their  
17 businesses and start a new one investing substantial  
18 resources, time and money, to build their licensing  
19 business.

20                   And it is important to the inventors of  
21 the patents, including the first listed inventor, Mr.  
22 Dietz, who you will hear from today is the first  
23 witness, and he's in the courtroom.

24                   Mr. Dietz, if you'll stand up.

25                   (Witness complies.)

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