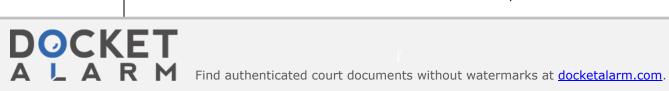
1	IN THE UNITED STATES DISTRICT COURT
2	FOR THE WESTERN DISTRICT OF TEXAS
3	WACO DIVISION
4	MV3 PARTNERS, LLC *
5	vs. * CIVIL ACTION NO. W-18-CV-308
6	*
7	ROKU, INC. * July 19, 2019
8	BEFORE THE HONORABLE ALAN D ALBRIGHT, JUDGE PRESIDING MARKMAN HEARING
9	APPEARANCES:
10	For the Plaintiff: J. Mark Mann, Esq.
11	Andy W. Tindel, Esq. Mann Tindel Thompson
12	300 W. Main St. Henderson, TX 75652
13	Jonathan K. Waldrop, Esq.
14	Rodney R. Miller, Esq. Daniel C. Miller, Esq.
15	Kasowitz Benson Torres LLP 1349 West Peachtree Street N.W.
16	Suite 1500 Atlanta, GA 30309
17	Craig D. Cherry, Esq.
18	Haley & Olson, P.C. 100 N Ritchie Road, Suite 200
19	Waco, TX 76712 For the Defendant: Richard D. Milvenan, Esq.
20	For the Defendant: Richard D. Milvenan, Esq. McGinnis Lochridge and Kilgore 600 Congress Avenue, Suite 2100
21	Austin, TX 78701
22	Alexander J. Hadjis, Esq. Lisa M. Mandrusiak, Esq.
23	Michael D. West, Esq. Oblon, McClelland, Maier &
24	Neustadt, LLP
25	1940 Duke Street, 11th Floor Alexandria, VA 22314





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1
         (July 19, 2019, 9:20 a.m.).
         THE BAILIFF: All rise.
 2
 3
         THE COURT: Good morning, everyone. Thank you. You may
    be seated.
 4
 5
         DEPUTY CLERK: Court calls Waco Case 18-CV-308, MV3
 6
    Partners, LLC vs. Roku, Inc. for Markman hearing.
 7
         THE COURT: I apologize for the confusion on the time when
 8
    we were getting started this morning.
 9
         Am I on?
         DEPUTY CLERK: Yeah. It's just not picking up very well.
10
         THE COURT: I'm pretty sure that if you need any evidence
11
12
    that the federal government goes with the low bidder on
13
    everything when they're building...
14
         At any rate, good morning everyone. If counsel for
15
    plaintiff would stand up and introduce themselves and then same
16
    for the defendant.
         Mr. Mann?
17
18
         MR. MANN: Thank you, Your Honor. Good morning. Mark
19
    Mann for the plaintiffs, Your Honor, and my colleagues with me
20
    today are John Waldrop, Andy Tindel, Dan Miller, Rodney Miller,
    Craig Cherry, and then also in the gallery, Your Honor, we have
21
2.2
    Wayne Barr who is the general counsel for MV3 here and Dr. Dan
23
    Schoenfeld who is our expert for tutorial.
24
         THE COURT: Okay. Well, I appreciate your client being
2.5
    here. I think that's always a great thing when that happens.
```



```
1
         And Mr. Milvenan?
         MR. MILVENAN: Thank you, Your Honor. Our lineup today
 2
 3
    includes myself Rick Milvenan from McGinnis Lochridge.
    joined by Alex Hadjis and Lisa Mandrusiak and Michael West who
 4
 5
    are all from the Oblon firm in Alexandria, Virginia. Our
 6
    client is here.
                     That's Joe Hollinger. He's Roku's vice
 7
    president of litigation and intellectual property and we're
 8
    also joined by our expert witness Dr. Robert Akl.
 9
         THE COURT: Very good. Again I appreciate the clients who
    take the time to be here. I think that's a great thing.
10
11
         Do we -- Mr. Mann, I'll call on you first. Who is
12
    primarily going to be speaking just so I have a cheat sheet?
13
         MR. MANN: Your Honor, we're going to have -- John Waldrop
14
    will direct our tutorial if that's okay. And we planned on
15
    doing it question and answer with the expert talking a lot more
16
    than the lawyer.
17
         THE COURT: Okay.
18
         MR. MANN: And then Dan Miller and Rodney Miller will be
19
    splitting time doing the terms.
20
         THE COURT: I like it when more than one lawyer has the
21
    same last name.
2.2
         (Laughter.)
23
         THE COURT: My chance of getting it wrong goes down a
24
    little bit.
25
         MR. MANN: That's why we lined it up this way, Your Honor.
```



```
1
         THE COURT: Wasn't there a movie where they show up and
 2
    everyone has the same last name?
 3
         MR. MANN: It was...
         THE COURT: Men in Black or --
 4
 5
         MR. MANN: Schwarzenegger and I forgot who was on the
 6
    other side. Danny DeVito.
 7
         THE COURT:
                     I think it'd be great if everyone just had the
 8
    same last name and I could --
 9
         MR. MANN: I think that's how -- there was a boxer from
    Marshall who all his kids -- he named them all -- all of them
10
11
    had the same name George Foreman.
12
         So, anyway, and then Dr. Schoenfeld will be doing our
13
    tutorial.
14
         THE COURT: Very good.
15
         MR. MILVENAN: Your Honor, in accordance with your
16
    suggestions back in February in this case I'm going to
17
    introduce Dr. Akl but then we were going to let him just not
18
    proceed in Q and A fashion but just go through the slide show
19
    to move things along.
20
         THE COURT: Well, I'll miss getting to hear your voice,
21
    but however you want to do it will be fine with me.
2.2
         MR. MILVENAN: Thank you. And then in terms of the
23
    Markman presentation -- and I guess we'll go by their -- so
24
    that we can all go by the same name, Alex Milvenan, Lisa
    Milvenan and myself will all handle different aspects of that.
2.5
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