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IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TEXAS

WACO DIVISION

MV3 PARTNERS, LLC

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VS.

CIVIL ACTION NO. W-18-CV-308

ROKU, INC.

July 19, 2019

BEFORE THE HONORABLE ALAN D ALBRIGHT, JUDGE PRESIDING  
MARKMAN HEARING

APPEARANCES:

For the Plaintiff:

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1 Court Reporter: Kristie M. Davis  
2 United States District Court  
3 PO Box 20994  
4 Waco, Texas 76702-0994

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6 produced by computer-aided transcription.

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1 (July 19, 2019, 9:20 a.m.).

2 THE BAILIFF: All rise.

3 THE COURT: Good morning, everyone. Thank you. You may  
4 be seated.

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?

10 DEPUTY CLERK: Yeah. It's just not picking up very well.

11 THE COURT: I'm pretty sure that if you need any evidence  
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.

17 Mr. Mann?

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,  
21 Craig Cherry, and then also in the gallery, Your Honor, we have  
22 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  
25 here. I think that's always a great thing when that happens.

1 And Mr. Milvenan?

2 MR. MILVENAN: Thank you, Your Honor. Our lineup today  
3 includes myself Rick Milvenan from McGinnis Lochridge. I'm  
4 joined by Alex Hadjis and Lisa Mandrusiak and Michael West who  
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  
10 take the time to be here. I think that's a great thing.

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.

22 (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...

4 THE COURT: Men in Black or --

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  
10 Marshall who all his kids -- he named them all -- all of them  
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.

22 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  
25 Milvenan and myself will all handle different aspects of that.

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