

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SEVEN NETWORKS, LLC,  <p style="text-align: center;">Plaintiff,</p> v.  GOOGLE LLC,  <p style="text-align: center;">Defendant.</p>	CIVIL ACTION No. 2:17-cv-442-JRG LEAD CASE  PATENT CASE  JURY TRIAL DEMANDED
v.  SAMSUNG ELECTRONICS AMERICA, INC. AND SAMSUNG ELECTRONICS CO., LTD.,  <p style="text-align: center;">Defendants.</p>	CIVIL ACTION No. 2:17-cv-441-JRG CONSOLIDATED CASE

**PRETRIAL CONFERENCE  
HELD BEFORE DISTRICT JUDGE RODNEY GILSTRAP  
December 12, 2018**

**OPEN: 9:05 a.m.**

**ADJOURN: 5:12 p.m.**

ATTORNEYS FOR PLAINTIFF:	See attached.
ATTORNEYS FOR DEFENDANTS:	See attached.
LAW CLERKS:	Catherine Owens Hao Wu
COURT REPORTER:	Shelly Holmes, CSR-TCRR
COURTROOM DEPUTY:	Jan Lockhart
<b>TIME</b>	<b>MINUTES</b>
9:05 a.m.	Counsel announced ready for the hearing. The Court scheduled a Final Pretrial Conference on December 18, 2018 at 9:00 a.m. to handle remaining disputes. The Court gave the parties instructions for Jury Selection and Trial. The Seven Networks v. Samsung trial will be tried first; the Seven Networks v. Google case will follow. Should the first case settle, the second case will be tried. Jury Selection will be held on Friday, January 4, 2019 at 9:00 a.m. Opening statements and evidence are scheduled to begin at 8:30 a.m. on Monday, January 7, 2019. The Court and staff are in chambers each morning at 7:30 a.m. The trial will start each day at 8:30 a.m. Exhibits used the prior day will be read into the record prior to the jurors returning to the courtroom (usually around 8:15 a.m.). The Court allotted 14 hours per side to try the case (this time does not include the time for voir dire, opening

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	statements and closing arguments); 30 minutes a side for voir dire (of this time, a 3-minute, high level, overview of the case may be given); 30 minutes for opening statements and 40 minutes a side for closing arguments; 8-member jury to be selected (four strikes per side); procedures for disputes discussed. Court to be notified by 10:00 p.m. each night of disputes re demonstratives to be used the next day, or that there are no disputes. Binders with disputed information are to be prepared and submitted to the Court at 7:00 a.m. the following day. Deposition disputes are to be given to the Court the day before they are going to be used. Rule 50 (a) motions will be heard after ALL evidence is concluded. The informal charge conference will be held in chambers after Rule 50(a) motions are heard. A formal charge conference will follow afterward. The Court discussed policies and the Standing Order regarding the sealing of the courtroom. Juror questionnaires and the manner of use thereof were discussed, i.e., copies of the Juror Questionnaire may be obtained from the Deputy-in-Charge, Kecia Clendening, on December 28, 2018. Juror notebooks are to be prepared by counsel and delivered to the Court by 12:00 p.m. on January 2, 2019. Each notebook should include the patents-in-suit, the Court's claim construction chart, tabbed witness pages (each witness page should contain a head and shoulders photograph of the witness followed by ruled lines on the remainder of the page), a 3-hole punched legal pad and a non-clicking pen. The Court also gave guidance regarding expert witness testimony.
9:38 a.m.	The Court heard argument on the Motion to Exclude the Testimony of Michael T. Goodrich (Dkt. No. 367). Ms. Roberts argued on behalf of Google. Mr. Murkerji argued on behalf of Samsung. Mr. Wynn argued on behalf of Plaintiff. The Court DENIED the motion.
9:56 a.m.	The Court heard argument on the Motion to Exclude the Expert Opinion Testimony by David Stewart and Strike Portions of His Report (Dkt. No. 363). Ms. Roberts and Mr. Graubart argued on behalf of Defendants. Ms. Dominguez argued on behalf of Plaintiff. The Court DENIED the motion.
10:28 am.	Recess.
10:39 a.m.	The Court heard argument on Samsung's Motion to Exclude the Opinions and Testimony of Plaintiff's Damages Expert, Brian Napper, Under Fed. R. Evid. 702 and Daubert (Dkt. No. 351). Mr. Cordell argued on behalf of Defendant. Ms. Domínguez argued on behalf of Plaintiff. The Court DENIED the motion.
10:53 a.m.	The Court heard argument on Defendant Google's Motion to Exclude the Testimony of Brian W. Napper (Dkt. No. 359). Ms. Roberts argued on behalf of Defendant. Ms. Dominguez argued on behalf of Plaintiff. The Court took the motion under advisement.
11:06 a.m.	The Court heard argument on Motion to Strike Defendants' Undisclosed Invalidity Theories, Prior-Art Systems, and Obviousness Combinations (Dkt. No. 343). Mr. Ciccarelli argued on behalf of Plaintiff. Mr. Mack argued on behalf of Google. Mr. Marshall spoke on behalf of Samsung. The Court DENIED the motion.
11:34 a.m.	The Court heard argument on the Motion to Strike Defendants' Late-Produced Prior-Art-Related Documents and Information (Dkt. No. 345). Mr. Patel argued on behalf of Plaintiff. The Court DENIED the motion.
11:41 a.m.	Recess.
12:59 p.m.	Court reconvened. Messrs. Ciccarelli and Marshall indicated that the parties had reached agreements on the Motion to Strike Opinions of Samsung's Expert, Dr. Michael Caloyannides, Regarding Alleged JuiceDefender-on-Android and GreenPower-on-Android Systems and for Partial Summary Judgment of Non-Invalidity with Respect to those Systems (Dkt. Nos. 344, 348).
1:02 p.m.	The Court heard argument on the Motion to Strike Opinions of Google's Expert, Dr. Don Turnbull, Regarding Alleged Obviousness of the '952 Patent over Silvester and for Partial Summary Judgment of Non-Invalidity with Respect to those Systems (Dkt. Nos. 349, 350).

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	Mr. Ciccarelli argued on behalf of Plaintiff. Mr. Mack argued on behalf of Defendant. The Court DENIED the motions.
1:12 p.m.	The Court heard argument on the Motion to Strike Opinions of Google's Expert, Dr. Kevin Jeffay, Related to Alleged Non-Infringing Alternatives, or in the Alternative, for Leave to Serve Expert Rebuttals to Those Opinions (Dkt. No. 350). Mr. Cohen argued on behalf of Plaintiff. Ms. Baily requested that the Courtroom be sealed for portions of the argument. Ms. Baily argued on behalf of Defendants.
1:15 p.m.	<b>Courtroom sealed.</b>
1:27 p.m.	<b>Courtroom unsealed.</b> The Court GRANTED the motion. Paragraphs 780-830 of Dr. Jeffay's Rebuttal Report are stricken.
1:37 p.m.	The Court heard argument on the Motion to Exclude Samsung's Damages Expert, Dr. Ugone (Dkt. No. 358). The parties agreed not to reference the Visto Agreement and the Samsung Agreements with reference to Motorola and Nokia. Mr. Sostek argued on behalf of Plaintiff. Mr. Graubart argued on behalf of Defendants. The Court DENIED the motion in all respects.
2:01 p.m.	Recess.
2:21 p.m.	The Court heard argument on the Motion to Exclude Opinions and Testimony of Google's Damages Expert, Mr. Christopher Bakewell (Dkt. No. 361). Mr. Sostek argued on behalf of Plaintiff. Ms. Baily argued on behalf of Defendant.
2:25 p.m.	<b>Courtroom sealed.</b>
2:30 p.m.	<b>Courtroom unsealed.</b>
2:35 p.m.	<b>Courtroom sealed.</b>
2:38 p.m.	<b>Courtroom unsealed.</b> The Court DENIED the motion
2:40 p.m.	The Court combined argument on the following motions: Motion to Strike Portions of Smith Report as Exceeding Infringement Contentions (Dkt. No. 364); Motion to Strike Portions of Smith Report and Exclude Opinions (Dkt. No. 365); and the Motion for Partial Summary Judgment of No Doctrine of Equivalents Infringement of the '127 and '129 Patents and Summary Judgment of Non-Infringement of the '816 and '254 Patents (Dkt. No. 355).  Mr. Yang argued on behalf of Defendants. Mr. Cohen argued on behalf of Plaintiff. The Court DENIED the motions.
3:09 p.m.	The Court heard argument on the Motion for Summary Judgment of Non-Infringement of '600, '129, and '019 Patents (Dkt. No. 353). Mr. Verhoeven argued on behalf of Defendant. Mr. Wynn argued on behalf of Plaintiff.
3:12 p.m.	<b>Courtroom sealed.</b>
3:29 p.m.	<b>Courtroom unsealed.</b> The Court DENIED the motions.
3:43 p.m.	Recess.
4:00 p.m.	Court reconvened. The Court heard argument on the Motion for Partial Summary Judgment as to No Willful Infringement, Failure to Mark, and No Indirect Infringement (Dkt. No. 346). Mr. Graubart argued on behalf of Defendant. Mr. Patel argued on behalf of Plaintiff. The Court took the motion under advisement.
4:17 p.m.	The Court heard argument on the Motion for Summary Judgment of Non-Infringement of '952, '254, and '816 Patents (Dkt. No. 354). Mr. Verhoeven argued on behalf of Defendants. Mr. Teng argued on behalf of Plaintiff. The Court DENIED the motion.
4:27 p.m.	<b>Courtroom sealed.</b>
4:49 p.m.	<b>Courtroom unsealed.</b>
4:49 p.m.	The Court heard argument on Defendant Google's Motion for Summary Judgment of

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	Invalidity for Lack of Patentable Subject Matter (Dkt. No. 349). Mr. Curran argued on behalf of Defendant. Mr. Patel argued on behalf of Plaintiff. The Court DENIED the motion.
	The Court heard argument on the Motion for Partial Summary Judgment of No Willful Infringement and No Pre-Suit Indirect Infringement (Dkt. No. 347). Counsel represented this motion was no longer at issue. The Court Denied the motion as moot.
	Joint report due on Monday, December 17, 2018 at 3:00 p.m. Items should be grouped. Agreements/Disputes as to motions in limine also due.
5:12 p.m.	Court adjourned.