

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

Judge Robert W. Schroeder III

UNILOC USA INC., et al	§	
	§	
V.	§	CIVIL NO. 2:16CV393
	§	
AVG TECHNOLOGIES, USA, INC., et al	§	
	§	
UNILOC USA INC., et al	§	
	§	
V.	§	CIVIL NO. 2:16CV741
	§	
ADP, et al	§	

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MINUTES FOR MARKMAN HEARING  
HELD BEFORE JUDGE ROBERT W. SCHROEDER III  
AUGUST 10, 2017

OPEN: 9:04 am

ADJOURN: 11:36 am

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ATTORNEY FOR PLAINTIFFS: See Attorney Sign In Sheet

ATTORNEY FOR DEFENDANTS: See Attorney Sign In Sheet

LAW CLERK: David Mlaver

COURTROOM DEPUTY: Shedera Combs

COURT REPORTER: Darlene May

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9:04 am Case called, parties announced ready, Court welcomes parties; Preliminary constructions were provided earlier today; Court's preference that arguments be term by term; Time limit 90 minutes per side.

9:08 am James Foster provides background

9:17 am Court questions Mr. Foster; Mr. Foster responds and continues.

9:20 am Court questions Mr. Foster; Mr. Foster responds and continues.

9:22 am Mr. Foster argues claim term - application launcher program.

9:39 am Anthony Vecchione clarifies typographical error in slide; Mr. Foster continues.

9:49 am Matthew Moffa gives overview and argues claim term - application launcher program.

10:07 am Mr. Foster states upon review of preliminary construction he takes opposition to one stating indefinite for lack of antecedent basis in the independent claim and will rely on briefing rather argue orally; Court questions Mr. Foster; Mr. Foster responds.

10:09 am Mr. Moffa responds and addresses term “the initiating execution step.”

10:19 am Mr. Foster responds.

10:21 am Mr. Moffa responds.

10:23 am Mr. Foster responds; Court questions Mr. Foster; Mr. Foster responds and requests a 20 minute break.

10:23 am Recess

10:43 am Mr. Foster addresses disputed constructions.

10:55 am Mr. Moffa responds.

11:01 am Chris Bright addresses term application program.

11:03 am Court would like to hear from Plaintiff; Mr. Foster states no objection.

11:03 am Mr. Bright continues.

11:08 am Mr. Foster responds.

11:09 am Mr. Moffa addresses other issues and approaching deadlines.

11:10 am Court asks if Plaintiff objects; Mr. Foster responds.

11:11 am Court asks the parties to meet and confer.

11:11 am Mike Nadel addresses motion to dismiss for improper venue on behalf of Blackboard; Court will hear preliminary comments and set additional hearing if necessary; Mr. Nadel responds.

11:15 am Court questions Mr. Foster; Mr. Foster responds re venue.

11:19 am Court asks Mr. Foster to review and notify Court of position re venue in 7 days; Mr. Foster responds.

11:19 am Seth Herring responds on behalf of Box.

11:20 am Mark Long responds on behalf of Ubisoft; Mr. Vecchione responds; Mr. Long responds.

11:21 am Casey Kniser responds on behalf of Kaspersky Labs; Mr. Foster responds.

11:23 am Kalpana Srinivasan responds.

11:24 am Mr. Moffa addresses narrowing issues in the case and 101 issue.

11:33 am Mr. Foster responds; Court questions Mr. Foster; Mr. Foster responds.

11:36 am Recess