

Exhibit 5

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 14-CV-80651-MIDDLEBROOKS

ADVANCED GROUND INFORMATION)
SYSTEMS, INC.,)
)
Plaintiff,)
)
-v-)
)
LIFE360, INC.,)
)
Defendant.) West Palm Beach, Florida
) November 4, 2014
) 1:28 a.m.

TRANSCRIPT OF MARKMAN HEARING

BEFORE THE HONORABLE DONALD M. MIDDLEBROOKS

U.S. DISTRICT JUDGE

Appearances:

For the Plaintiff: KENYON & KENYON, LLP
BY: GEORGE BADENOCH, ESQ.
BY: TOM MAKIN, ESQ.
BY: VINCENT RUBINO, ESQ.
-and-
LOTT & FISCHER
BY: URY FISCHER, ESQ.

For the Defendant: SHUTTS & BOWEN, LLP
BY: ERIC CHRISTU, ESQ.
BY: DANIEL BARSKY, ESQ.
-and-
WEBB ZIESENHEIM LOGSDON ORKIN &
HANSON
BY: KENT BALDAUF, ESQ.

Reporter: Karl Shires, RPR, FCRR
(561) 514-3728 Official Court Reporter
701 Clematis Street, Suite 258
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1 (Call to Order of the Court.)

2 THE COURT: Good afternoon. Please be seated.

3 This is a hearing in the case of Advanced Ground
4 Information Systems, Inc. versus Life360, Inc. The Case Number
5 is 14-80651.

6 Could we start with appearances, please.

7 MR. FISCHER: Your Honor, Ury Fischer, Lott and
8 Fischer, on behalf of AGIS. And with me are local counsel. I
9 will allow them to introduce themselves.

10 MR. BAGDENOCH: Your Honor, George Badenoch from
11 Kenyon & Kenyon also for plaintiff AGIS. With me is my partner
12 Tom Makin and associate Vince Rubino.

13 THE COURT: Good afternoon.

14 MR. CHRISTU: Good afternoon, Your Honor. Eric
15 Christu and Daniel Barsky with Shutts & Bowen for the defendant
16 Life360. I will let Mr. Baldauff and Mr. Clark, co-counsel,
17 introduce themselves.

18 MR. BALDAUF: Good afternoon, Your Honor. Kent
19 Baldauf, Junior, from the Webb Law Firm in Pittsburgh. With me
20 is Brian Clark from my office as well.

21 THE COURT: Good afternoon.

22 Okay. This is a Markman hearing on claim
23 construction. What do you plan to do today?

24 MR. BAGDENOCH: Your Honor, the parties did discuss
25 how to proceed, and I think we're agreed on the basic

1 procedure. We're planning to start with a tutorial. And for
2 that purpose my partner Tom Makin is going to present some
3 testimony from our expert witness Professor Ben Goldberg who is
4 here with us. Then at the end of that the other side will
5 present a tutorial, ask any questions they want of Professor
6 Goldberg, and then we would start the Markman.

7 And we've split that up. I'm planning to do some
8 of -- we tried to group the terms in a logical way for the
9 Court. I'm planning to do some of the terms. Basically
10 there's several groups of terms where we -- the basic
11 difference is we think we should have a simple definition. We
12 think they're adding too much stuff in the way of negative
13 limitations and so on.

14 And then there's some terms where the main issue is
15 whether it should or should not be construed as a
16 means-plus-function type element, and my partner Tom Makin is
17 going to handle those. And because they involve the question
18 of whether a person skilled in the art would understand that a
19 term connotes something structural, he's also planning to have
20 testimony from our expert, Professor Goldberg, on that. And
21 then the other side would then present their tutorial. And so
22 that's the way we basically lined it up.

23 I should mention one other thing. If the Court has
24 time at the end of this, we do have still some problems with
25 discovery. The parties do keep talking, but we're still at a

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