

1 COURTROOM DEPUTY: The Court calls Case
2 No. 6:10-cv-473, Ericsson, Inc., et al, versus D-Link
3 Corporation, et al.

4 THE COURT: All right. Announcements.

5 MR. STEVENSON: Thank you, Your Honor.
6 For Ericsson, Ted Stevenson. And with me are Doug
7 Cawley, John Campbell, and our client representative
8 Gustav Brismark. And we're ready to proceed.

9 THE COURT: Okay. Thank you.
10 Defendants?

11 MR. JONES: Your Honor, Mike Jones for
12 the Defendants. We're ready to proceed. Also here at
13 counsel table with me is Mr. Robert Van Nest and Mr.
14 Greg Arovas; the corporate representative for Intel, Mr.
15 James Johnson; and the corporate representative for
16 NETGEAR, Mr. Brian Busse.

17 Thank you, Your Honor. We're ready to
18 proceed.

19 THE COURT: All right. Good morning,
20 Ladies and Gentlemen of the Jury. Little quiet this
21 morning already. Well, welcome to jury service in the
22 Eastern District of Texas. I'm United States District
23 Judge Leonard Davis. You've already met a lot of our
24 Court personnel, and you see that we have a courtroom
25 full of people.

1 We're about to begin the trial of a
2 patent case. This is a patent case where the Plaintiff,
3 Ericsson, accuses the Defendant Intel, D-Link Systems,
4 NETGEAR, Acer, Gateway, Dell, Toshiba, and Belkin of
5 infringing its patents.

6 The Defendants deny that they infringe
7 the patents-in-suit and contend the patents are invalid.

8 The patents generally relate to various
9 Wi-Fi technologies. I and the parties will have much
10 more to say to you about what this case involves; but
11 for now, I just wanted you to have this basic knowledge
12 of what the case is about. And you probably figured
13 that out because I believe you've already seen the
14 patent video downstairs, did you not?

15 Okay. Very good.

16 Now, I anticipate that the presentation
17 of evidence in this case will probably take seven to
18 eight days. We're going to start today with jury
19 selection, proceed with eight of you that are selected
20 on the jury. We will then -- we normally will start the
21 evidence about 9:00 in the morning, go till 4:00 in the
22 afternoon. We will go Monday through Thursday of this
23 week. We will not go on Friday unless things should
24 change, and everything is always subject to change. But
25 that's the plan right now.

1 Then we would come back early next week,
2 start on Monday again, and continue until -- we should
3 finish mid-week, sometime next week. So I wanted you to
4 just be aware of that.

5 Let me give you an overview of what will
6 be happening over the next several days.

7 We are beginning the first stage of the
8 trial, which is what we call Voir Dire Examination of
9 the Jury Panel. This is where the Court and the
10 attorneys will be asking you some questions to allow us
11 to get to know you a little better and evaluate your
12 qualifications as jurors in this case. This will
13 probably take about an hour, maybe an hour and a half.
14 We should be through with this process by 11:00, 11:30.

15 Each side is then allowed a certain
16 number of -- to strike a certain number of jurors. And
17 the first remaining eight jurors will be sworn in as the
18 jury which will decide this case.

19 After that jury is selected, you will
20 then hear opening statements by the attorneys on both
21 sides. That's where they explain to you what they
22 expect the evidence will show.

23 Following that, you will hear a detailed
24 presentation of evidence, direct examination,
25 cross-examination, redirect examination of the various

1 witnesses on both sides that each side wishes to call.

2 After that has been concluded, I will
3 then have a written charge that I will present to you
4 orally. You will be allowed to take it to the jury
5 room, as well. But it would contain all of the
6 instructions you would need to follow in applying the
7 law to the facts as you may find them from having heard
8 the evidence.

9 After I have done that, the parties will
10 then present their closing arguments, and that's where
11 they will sum up for you -- each side -- what they
12 believe the evidence has shown and what they believe
13 your burden should be. Then and only then will you
14 begin for the first time to discuss the case among
15 yourselves, deliberate, and reach a verdict in the case.

16 Now, that's an overview of what will be
17 happening over the -- the rest of today and the course
18 of this trial, but now we're doing voir dire
19 examination.

20 And the purposes of voir dire is to
21 enable the Court to determine whether or not any
22 prospective juror should be excused from jury service,
23 either by the Court for what we call cause, or by the
24 attorneys for the parties by way of what we call a
25 peremptory challenge -- that is a challenge for which no

1 reason need be given.

2 Voir dire is a Latin phrase which means
3 to speak the truth, which I know each of you will do
4 when answering my questions and the questions of the
5 attorney -- of the attorneys.

6 Please listen carefully to the questions
7 that I will be asking you and that the attorneys ask
8 you, and then do not be timid about speaking up if they
9 apply to you. The worst thing you can do in this
10 process is not to speak up. If you're sitting there and
11 someone asks a question -- let's say have -- have you
12 ever worked for Intel, and you're sitting there
13 thinking, well, I did when I was in junior high school
14 for part-time as a -- as a gopher, you know, with the
15 company, but that couldn't be important enough. That
16 would be the worst thing you could do.

17 You would need to go ahead and raise your
18 hand and let the attorney evaluate the importance. Just
19 listen carefully to the questions; and if anything
20 relates to you or to a family member, even remotely,
21 please be sure to go ahead and speak up.

22 As you can tell, the attorneys have been
23 working on this case for a couple of years now. There's
24 a lot involved, a lot at stake. A lot has been put into
25 it, and the last thing we would want would be for us to

1 get halfway through this trial and then something come
2 up and we had to start all over. So please listen very
3 carefully to the questions and answer.

4 To get you in the -- sort of break the
5 ice and let you get used to how you answer questions --
6 and when you answer questions, I will ask you to stand,
7 state your name, and a microphone will be brought to you
8 so everyone can hear.

9 And to let you get comfortable with that,
10 I'm going to start with Juror No. 1, Ms. Mangrum, and
11 I'm going to give you the microphone and if you will,
12 just please state your name and that will get you
13 through that, then tell us what your favorite thing to
14 do in your spare time is.

15 JUROR MANGRUM: Donna Mangrum, Lindale,
16 Texas, and my favorite thing to do is to relax.

17 THE COURT: All right.

18 JUROR CAMERON: Cammie Cameron,
19 Whitehouse, Texas. Favorite thing, work in the yard and
20 just spending time around the house.

21 THE COURT: Very well. Thank you.

22 JUROR SPEIGHTS: Deborah Speights,
23 Mineola, Texas, and I like to work in the garden.

24 THE COURT: Thank you.

25 JUROR BILLINGSLEY: My name is John

1 Billingsley from Tyler, Texas, and I'm trying to learn
2 how to play golf.

3 THE COURT: Okay.

4 JUROR VRNAK: Serena Vrnak, Tyler, Texas,
5 and I am a quilt show judge.

6 THE COURT: Okay.

7 JUROR TRAVIS: Rebecca Travis, Wills
8 Point, Texas, and I like to just stay around the house
9 and relax.

10 THE COURT: Okay. Thank you.

11 JUROR FORBIS: James Forbis, Longview,
12 Texas, and I like to go camping.

13 JUROR AUSTIN: Frank Austin, Bullard,
14 Texas, and I like to play golf.

15 THE COURT: Maybe you and Mr. Billingsley
16 can get together.

17 JUROR KILLYON: Melba Killyon, Longview,
18 Texas. I like to listen to music.

19 THE COURT: Thank you.

20 JUROR GRUBBS: Michael Grubbs, Kilgore,
21 Texas, and I enjoy playing guitar.

22 THE COURT: Okay.

23 JUROR BRANHAM: Benita Branham, Flint,
24 Texas, and I like to spend time with family and friends.

25 THE COURT: Thank you, Ms. Branham.

1 JUROR HOWARD: Rebecca Howard, Longview,
2 Texas, and I also like working in the yard.

3 THE COURT: Okay. Thank you.

4 JUROR ARNOLD: Stephanie Arnold, Gun
5 Barrel City, and I enjoy working with Special Olympics.

6 JUROR WILLIAMSON: Serena Williamson.
7 Whitehouse, Texas, and I enjoy listening to light music.

8 JUROR HENRY: Donald Henry. I also enjoy
9 playing golf.

10 THE COURT: Okay. We're about to have
11 enough for a foursome in here, I think.

12 JUROR BUCK: Mark Buck, Longview, Texas,
13 and I enjoy playing with my granddaughter.

14 THE COURT: Okay. Thank you.

15 JUROR McGAUGHEY: Levin McGaughey, and I,
16 too, have grandbabies.

17 THE COURT: Okay. Thank you.

18 JUROR RICHARDSON: David Richardson. Do
19 carpenter work, photography, work around the house, do a
20 few odd jobs; just enjoying life.

21 JUROR VANDENBURG: James Vandenburg,
22 Athens, Texas, and I love to barbecue.

23 THE COURT: Thank you.

24 JUROR HERMAN: Kim Herman, Tyler, Texas,
25 and just spending time with my family is very much

1 enjoyed.

2 JUROR REYNA: Debbie Reyna, Longview,
3 Texas. I like to read.

4 THE COURT: Thank you.

5 JUROR KELLEY: Cherie Kelley, Flint,
6 Texas. I also like to read.

7 JUROR CRADDOCK: Van Craddock, Longview,
8 reading and granddaughters.

9 THE COURT: Okay.

10 JUROR ENAS: Randall Enas, Tyler, Texas.
11 Enjoy woodwork, building, refinishing furniture, and
12 stuff.

13 JUROR BROWN: Brenda Brown, Winona,
14 Texas. I enjoy watching and attending Texas Rangers
15 baseball.

16 JUROR HAVENS: James Havens, Reklaw. I
17 like to read.

18 JUROR ALLEN: Nikishia Allen, Tyler,
19 Texas, spending time with my family.

20 JUROR CHAMBERS: Peggy Chambers,
21 Longview, Texas. I enjoy working in the yard and
22 visiting with friends.

23 THE COURT: Very well. Thank you,
24 Ms. Chambers.

25 All right. Now, in just a moment I'm

1 going to ask counsel for both Plaintiff and the
2 Defendants to introduce themselves, their clients, their
3 co -- their co-counsel, and to identify any witnesses
4 from the East Texas area that they might be calling to
5 testify in this case.

6 And the reason I'm going to ask them to
7 do that is to see if you know any of them, either
8 directly or indirectly or through a member -- a family
9 member, if you have any acquaintanceship with them.

10 So I'll be asking you that question after
11 they have done their introductions, so please listen
12 carefully and I'll call upon Plaintiffs to introduce
13 their -- their people.

14 MR. CAWLEY: Thank you, Your Honor.

15 The first person I would like to
16 introduce you to is Mr. Gustav Brismark.

17 If you would stand up briefly,
18 Mr. Brismark.

19 I doubt any of you know Mr. Brismark
20 because he's from Sweden. He did spend his entire
21 career after college working at the Plaintiff in this
22 case, Ericsson.

23 This is his first time to visit Tyler,
24 and he will be with us throughout the trial, and you
25 will hear his testimony. He will be the first witness

1 in the case.

2 Thank you, Mr. Brismark.

3 Ted Stevenson will be helping to present
4 the evidence for Ericsson, along with John Campbell.

5 And at some point, you may also hear from Ashley Moore.

6 And finally, this is Ms. Tara Trask, who
7 is a consultant, who is going to be helping us this
8 morning.

9 Thank you, Your Honor.

10 THE COURT: Thank you, Mr. Cawley.

11 Are you going to be calling any witnesses
12 from the East Texas area?

13 MR. CAWLEY: No, Your Honor.

14 THE COURT: Okay. Thank you.

15 All right. Does anyone on the jury panel
16 know Mr. Cawley or any of his associates that he's
17 introduced to you? If you do, would you please raise
18 your hand or stand up?

19 (No response.)

20 THE COURT: All right. Counsel for the
21 Defendant, Mr. Jones.

22 MR. JONES: Thank you, Your Honor.

23 My name is Mike Jones, and I live here in Tyler, Texas,
24 and I'll be doing the jury selection today for the
25 Defendants.

1 And the first thing I'd like to do is
2 introduce you to the Defendants. There's seven of them,
3 and the first Defendant representative I would like to
4 introduce you to is Mr. James Johnson.

5 James, could you stand? Would you show
6 your pretty face to everybody?

7 Mr. Johnson is the vice president of
8 Intel Corporation. Intel Corporation is probably one of
9 the, if not most, in the range of the most famous
10 microchip manufacturers in the world.

11 Thank you, Mr. Johnson.

12 Also here today at counsel table, another
13 product that will be involved in this case is routers.
14 One of the leading makers of routers in the world is
15 NETGEAR.

16 Could you stand up, Mr. Brian Busse?

17 Mr. Brian Busse is here as their
18 representative and who is their senior director of
19 global marketing for NETGEAR. And that's another
20 Defendant in this case.

21 Now -- thank you, sir.

22 Obviously, we couldn't get all seven
23 Defendants around counsel table, so I need to move over
24 here with the Court's permission, and I would like to
25 introduce you to some of the other Defendants in this

1 case.

2 There is a computer company that you've
3 probably all heard of. It's one of the largest computer
4 companies in the world. It's Dell. They are located in
5 Austin, Texas. And here today from Dell, we have
6 Mr. Brett McAnally, who is Dell's executive director of
7 marketing.

8 Thank you, sir. I appreciate it so much.

9 Now, seated next to him -- you can go
10 ahead and stand up.

11 Here for Toshiba, which is one of the
12 world-leading developers and manufacturers of electronic
13 consumer products, is Mr. David Harshman. And he is the
14 vice president of Toshiba America Information Systems,
15 and he is here today and here with us during the trial.

16 Thank you, sir.

17 Now, another laptop manufacturer, one of
18 the leading in the world, is Acer. And here from Acer
19 is their director of global marketing, Ms. Kate Shang.
20 Everybody see her? Great.

21 And then another leading router
22 manufacturer is -- excuse me -- D-Link. And D-Link is
23 here represented by Ms. Mei Chou, who is their financial
24 manager, and standing next to her is Martha Hopkins.

25 Okay. And finally, last but certainly

1 not least, is the Belkin Corporation. And they
2 manufacture routers, as well as other computer
3 equipment. Here today from Belkin, which is a
4 family-owned company that has grown to 1200 employees,
5 is Mr. Tom Triggs, their general counsel.

6 Thank you, sir.

7 And with regard to attorneys, I've
8 already introduced them, but here from San Francisco
9 kind of working on this case is Bob Van Nest.

10 Also here from New York City is Mr. Greg
11 Arovas.

12 And here representing Dell Corporation,
13 another local Tyler attorney, Deron Dacus.

14 MR. DACUS: Good morning.

15 MR. JONES: Thank you, Your Honor.

16 THE COURT: What about any witnesses from
17 the East Texas area?

18 MR. JONES: Oh, I forgot. I apologize
19 me.

20 Dr. Ray Perryman grew up in Lindale,
21 Texas, Your Honor, and he will be testifying.

22 THE COURT: All right. Dr. Perryman.

23 All right. Does anyone on the jury panel
24 know Mr. Jones or any of those associated with him or
25 that he's introduced to you? If you will, please raise

1 your hand.

2 All right. Ms. Vrnak. And if you will,
3 please stand.

4 JUROR VRNAK: I am aware of his wife and
5 his child.

6 THE COURT: Okay. And how do you know
7 him?

8 JUROR VRNAK: Personally.

9 THE COURT: Okay. Were you --

10 JUROR VRNAK: I have not met Mr. Jones.

11 THE COURT: Excuse me.

12 JUROR VRNAK: I have not met Mr. Jones.

13 I am aware of his family.

14 THE COURT: Okay. All right. Thank you.

15 Anyone else on the jury panel know any of
16 the people that were just introduced to you?

17 Yes, ma'am? That would be

18 Ms. Williamson?

19 JUROR WILLIAMSON: Yes. I'm aware of Mr.
20 Dacus's wife. And I'm also familiar and have listened
21 to Dr. Ray Perryman several times.

22 THE COURT: Okay. And how are you
23 familiar with each of those, if I might ask for a little
24 more detail?

25 JUROR WILLIAMSON: Shannon Dacus was on

1 our board that I served on where I worked at one point.

2 And I'm also a member of the Women's Fund with her.

3 THE COURT: Okay.

4 JUROR WILLIAMSON: And then Dr. Ray
5 Perryman, I've just -- he spoke to our Leadership Tyler
6 class, and I've just listened to him every single year
7 he comes to do the thing in Tyler.

8 THE COURT: Okay. All right. Thank you.

9 All right. Anyone else?

10 THE COURT: All right. Thank you.

11 All right. At this time, I'll allow
12 counsel for the Plaintiff to voir dire the jury.

13 MR. CAWLEY: Thank you, Your Honor.

14 As I recall from Your Honor's order, it's 40 minutes?

15 THE COURT: Yes, sir, that's correct.

16 MR. CAWLEY: Good morning, Ladies and
17 Gentlemen.

18 You know, I have to say, this is my
19 favorite part of the trial, because as this case goes
20 on, as you've heard for several days, you will hear
21 witnesses talk and lawyers talk; but this is the only
22 opportunity that we have to get to meet and hear from
23 the citizens who have done their important civic duty
24 and agreed to serve as jurors.

25 The United States of America is just

1 about the only company -- excuse me -- the only country
2 left in the world that decides cases like this by
3 juries. And we do that because we trust you. We trust
4 your common sense.

5 And even though cases like this one may
6 involve some complex things that people are not very
7 familiar with, we know that you have the ability to
8 learn about them and to make the right decision.

9 As Judge Davis has told you, this is when
10 we get a chance to learn a little bit about you and to
11 ask you some questions.

12 To be able to do that, I'd like you to
13 understand that during the course of this trial, you
14 will be hearing about some people at a company called
15 Ericsson who did the right thing. They and their
16 company chose to let other companies use their ideas to
17 help people communicate.

18 Now, they didn't have to make that
19 choice. They could have chosen to keep their ideas
20 secret. Because their ideas were patented and protected
21 by United States patents, they could have chosen to be
22 the only ones who use those ideas and to prohibit anyone
23 else from using their patented ideas.

24 But they didn't do that. Instead, they
25 committed to let other companies use the ideas that they

1 had developed to develop products and to make a profit.

2 What they asked in return is that if
3 another company used Ericsson's patented inventions to
4 make a profit, that they pay a reasonable royalty to
5 Ericsson for using the patent.

6 You'll hear, during the course of this
7 case, that many companies around the world agreed to do
8 that. They did the right thing, too. And they've paid
9 millions of dollars to Ericsson for the right to use
10 Ericsson's patents in their products.

11 But you'll also hear that the Defendants
12 in this case, even though they use Ericsson's patents,
13 have refused to pay fair value, and that's why we're
14 here.

15 We're here because this is a very
16 important case. This is a case that asks whether a
17 company like Ericsson should be entitled to recover fair
18 value for someone's use of their property, their
19 patented inventions.

20 Now, at the very outset, let me just ask
21 you, how many of you have heard of the company Ericsson?

22 Okay. Ericsson, as you may know, used to
23 be well-known for making telephone handsets, cell phones
24 that you could hold in your hand and put in your purse.

25 They stopped doing that, oh, almost 10

1 years ago. And today, Ericsson is the world's largest
2 provider of what's called telephone infrastructure.
3 That's the complicated telephone equipment that most of
4 us never see that's located inside buildings that makes
5 the cell phone system work. That's what Ericsson does
6 and what they sell.

7 The company known as L.M. Ericsson was
8 started in Sweden in the late 1800s, and it's been doing
9 business continuously for more than a hundred years.
10 They started out selling telephones.

11 By the 1920s, they began also to sell
12 radios, and their research and their experience in both
13 telephones and radios helped them to become a pioneer in
14 combining those two things into the cellular system.

15 A cell phone, after all, is really just a
16 radio that can communicate with a telephone system. And
17 Ericsson was a pioneer in developing some of the very
18 earliest cell phones.

19 Ericsson, over the years, has spent
20 billions of dollars in research and development and
21 today does business all over the world.

22 Their United states company is called
23 Ericsson, Inc., and its headquarters is in Plano, just
24 north of Dallas where they employ thousands of employees
25 in the United States.

1 Let me ask all of you here again at the
2 outset, have any of you or your family members had any
3 experience with patents?

4 Yes, ma'am. Ms. Reyna.

5 JUROR REYNA: Yes.

6 MR. CAWLEY: Thank you.

7 JUROR REYNA: I'm not sure.

8 MR. CAWLEY: Yes, ma'am.

9 JUROR REYNA: My son-in-law is a software
10 engineer.

11 MR. CAWLEY: I see.

12 JUROR REYNA: Sorry. My son-in-law is a
13 software engineer in the Dallas area, and he does write
14 code and work for -- he contracts with different
15 companies.

16 MR. CAWLEY: Uh-huh.

17 JUROR REYNA: And he's co-authored a
18 textbook. So I don't know what all he has done.

19 MR. CAWLEY: Okay. Well, Ms. Reyna,
20 thank you very much for raising your hand, and thank you
21 for telling us that, because that's exactly -- even
22 though you're not sure -- exactly the kind of
23 information we need to help the parties decide, you
24 know, who they'd like to serve as a juror on this case.

25 Yes, ma'am. You are Ms. Kelley.

1 JUROR KELLEY: I don't know any of the
2 specific details. I just know that my dad is in the
3 process of applying for a patent.

4 MR. CAWLEY: I see. Do you know what
5 kind of technology or idea he's applying for a patent
6 for?

7 JUROR KELLEY: He works for a computer
8 company, and he has created some programs that he's in
9 the process of patenting.

10 MR. CAWLEY: Okay. Very good. Thank
11 you, ma'am.

12 Anyone else?

13 Mr. Vandenburg. Yes, sir.

14 JUROR VANDENBURG: My background is
15 construction, and I've worked with some companies in the
16 last 20 years that have had patents and have had them
17 expire, and I've been involved with a continuation of
18 the patent and so forth.

19 MR. CAWLEY: What do you mean by that,
20 continuation of the patents?

21 JUROR VANDENBURG: The companies that I
22 worked with have made improvements on those patents so
23 that they could --

24 MR. CAWLEY: Okay.

25 JUROR VANDENBURG: -- increase the

1 lifetime of the patent.

2 MR. CAWLEY: I see. I see.

3 What kind of patents are you talking
4 about? Software again?

5 JUROR VANDENBURG: No, no, no. This is
6 construction.

7 MR. CAWLEY: Construction. That's right.
8 Okay.

9 JUROR VANDENBURG: Construction products.

10 MR. CAWLEY: Okay. Very good.

11 Now, are -- are patents important in your
12 business?

13 JUROR VANDENBURG: Absolutely.

14 MR. CAWLEY: Why do you say that?

15 JUROR VANDENBURG: Because they improve
16 technology for what we're doing in our business with
17 construction.

18 MR. CAWLEY: I see. So do you think that
19 the ability for people to get patents has encouraged
20 people in your industry to come up with new and better
21 ideas?

22 JUROR VANDENBURG: I think it's what
23 business and our lives are all around, absolutely.

24 MR. CAWLEY: Thank you, sir. I
25 appreciate that.

1 Anyone that I missed who has any
2 experience with patents?

3 Yes, ma'am. Ms. Arnold.

4 JUROR ARNOLD: Yes. I'm just curious
5 about previously serving on a patent trial.

6 MR. CAWLEY: Well, let me ask you about
7 that. You filled out a questionnaire, like everyone
8 did --

9 And we thank all of you for that. It
10 makes our job here a lot easier.

11 -- and one of the things you indicated,
12 Ms. Arnold, was that you have already served as a juror
13 in a patent case. So you're being asked to go above and
14 beyond the call of duty here. Tell us about that case.

15 JUROR ARNOLD: It was a wastewater
16 treatment chemical patent case.

17 MR. CAWLEY: Okay. And where was the
18 trial?

19 JUROR ARNOLD: Here in Tyler.

20 MR. CAWLEY: Was it before Judge Davis?

21 JUROR ARNOLD: I believe so.

22 MR. CAWLEY: You believe so?

23 JUROR ARNOLD: Uh-huh.

24 MR. CAWLEY: Okay. He's a pretty
25 memorable man. I imagine if it was him, you would

1 remember.

2 How long ago was it, Ms. Arnold?

3 JUROR ARNOLD: I'm not sure.

4 MR. CAWLEY: Okay.

5 JUROR ARNOLD: It was three or four years
6 ago.

7 MR. CAWLEY: What -- what -- did you
8 reach a verdict in that case?

9 JUROR ARNOLD: No. It was considered a
10 mistrial, I believe.

11 MR. CAWLEY: A mistrial.

12 JUROR ARNOLD: I believe so.

13 MR. CAWLEY: Okay. Well, thank you very
14 much for letting us know that.

15 And while we're on the subject of Judge
16 Davis, Ms. Vrnak, you're a quilt judge. Do you think
17 there's room for two judges in this courtroom?

18 [Laughter]

19 JUROR VRNAK: Yes. Yes, I do.

20 MR. CAWLEY: Okay. Thank you very much.

21 JUROR VRNAK: Thank you.

22 MR. CAWLEY: Now, has anyone -- even if
23 you weren't involved with patents, been involved in the
24 development of a new product, even if that product did
25 not become patented? Has it ever been part of your

1 responsibility to develop a new product?

2 MR. CAWLEY: Okay. Now, we've heard a
3 little bit about patents already while I've been asking
4 people questions.

5 It seems as though there are sort of two
6 camps of people who have different attitudes about
7 patents. One group of people is sort of like Mr.
8 Vandenburg who -- who believes that patents are
9 important and that they encourage people to invent new
10 things.

11 Other people, though, may have a little
12 bit of a different view. They may believe that patents
13 can harm competition and that there are too many patents
14 these days and it's too easy to get a patent.

15 We heard what Mr. Vandenburg thinks about
16 the construction business. Does anyone disagree with
17 him? Is anyone of the view that, you know, I'm
18 skeptical about the value of patents; I think they're
19 too easy to get there; there's too many silly things
20 that are patented by the Patent Office; and -- and
21 patents hurt competition? Anybody feel like that?

22 Does -- do any of you have any legal
23 education or any member of your family have legal
24 education or work in the legal field?

25 Yes, ma'am, Ms. Herman?

1 JUROR HERMAN: My dad in Tyler is an
2 attorney, Leonard Craig.

3 MR. CAWLEY: What's his name?

4 JUROR HERMAN: Leonard Craig.

5 MR. CAWLEY: Leonard Craig. What -- what
6 kind of law does he practice?

7 JUROR HERMAN: General practice.

8 MR. CAWLEY: General practice. Okay.

9 Great. Thank you very much.

10 Anyone else?

11 Yes, sir, Mr. Forbis?

12 JUROR FORBIS: My sister is an attorney
13 in Philadelphia, Pennsylvania. She's a corporate
14 lawyer.

15 MR. CAWLEY: Corporate lawyer. Okay.
16 Very good.

17 Anyone else?

18 Okay. Yes, sir?

19 JUROR GRUBBS: My mom is a court reporter
20 in Gregg County.

21 MR. CAWLEY: Okay. Very good.

22 Anyone else?

23 Yes, sir, Mr. Henry?

24 JUROR HENRY: My brother-in-law in
25 Houston, he is an oil and gas attorney.

1 MR. CAWLEY: Okay. Great.

2 Have I missed anyone?

3 Yes, ma'am? I did miss someone. You are
4 Ms. Travis.

5 JUROR TRAVIS: I just had some law
6 courses in college.

7 MR. CAWLEY: Okay. What college was
8 that?

9 JUROR TRAVIS: Texas A&M.

10 MR. CAWLEY: Okay. And is this
11 undergraduate school?

12 JUROR TRAVIS: Yes.

13 MR. CAWLEY: What kind of -- business
14 law?

15 JUROR TRAVIS: Business.

16 MR. CAWLEY: Okay. Great. Good. Thank
17 you very much for letting us know that.

18 Anyone else?

19 Does anyone here have any education or
20 training in engineering or science? And I guess I'm
21 not -- I'm not talking about the science that we all had
22 in high school so much, but do you have any higher
23 education, whether or not you got a degree in
24 engineering or science?

25 Yes, sir, Mr. Vandenburg?

1 JUROR VANDENBURG: MY degree is in
2 polymer science.

3 MR. CAWLEY: Polymer science. Okay.
4 Thank you very much, sir.

5 And all the way over on the other end,
6 Mr. Austin.

7 JUROR AUSTIN: I studied biological
8 science and chemistry at Stephen F. Austin University.

9 MR. CAWLEY: Okay. Great. And how long
10 did you study that?

11 JUROR AUSTIN: For four years.

12 MR. CAWLEY: Four years. Okay. Good.

13 Thank you very much, Mr. Austin.

14 Anyone else?

15 Yes? Yes, sir, Mr. Henry again.

16 JUROR HENRY: I was a -- I have had some
17 training in computer science at The University of Texas.

18 MR. CAWLEY: Okay. Tell me about that.

19 JUROR HENRY: I was a computer science
20 major for one year, and then I switched.

21 MR. CAWLEY: Okay. Switched to what?

22 JUROR HENRY: Business.

23 MR. CAWLEY: Okay. Where did you study
24 computer science?

25 JUROR HENRY: University of Texas at

1 Austin.

2 MR. CAWLEY: Great. Okay. Thank you
3 very much.

4 Anyone else?

5 Okay. You know, like I said -- yes, sir,
6 I'm sorry, I didn't mean to leave you out. Mr. --

7 JUROR HAVENS: Havens.

8 MR. CAWLEY: Yeah, I'm on the wrong page.
9 Okay. Mr. Havens?

10 JUROR HAVENS: I studied some computer
11 science at TJC --

12 MR. CAWLEY: Okay.

13 JUROR HAVENS: -- some programming
14 classes and some microcomputer hardware classes.

15 MR. CAWLEY: Okay. Good. Thank you.
16 Thank you very much.

17 Anyone else?

18 You know, like I said, this is my
19 favorite part of the trial when we get to find out about
20 you.

21 We already found out that just on the
22 back row here we have two music lovers and a guitar
23 player, and then Judge Davis has already observed we've
24 almost got a golfing foursome. And I would say that all
25 of you people who like to do yard work and barbecue, I

1 wish I had friends like you to come over to my house.

2 Let me move on, though, and -- and ask
3 you, has anyone here ever worked in information
4 technology, ever been an IT worker? Okay. Good.

5 Mr. Henry, I don't even think -- go
6 ahead.

7 JUROR HENRY: I did not work in
8 information technology, but I do a lot of work in
9 information security for a hospital.

10 MR. CAWLEY: Okay. Great. Thank you.

11 Anyone else?

12 Has anyone here ever had a dispute with a
13 government agency? And -- and let me say -- I should
14 have said before -- I hope that's not a sensitive
15 subject. I guess in some instances it might be if
16 somebody had a dispute with a government agency.

17 If I ask you any questions here today
18 that -- that you are really reluctant to talk about in
19 public, I'm sure Judge Davis would let us go up to his
20 bench and talk about it in private.

21 But has anyone had a dispute with a
22 government agency? Okay.

23 Has anyone here -- can anyone here
24 remember a particular instance when you were accused of
25 taking someone else's idea? Could have happened in

1 school. Could have happened on the job. Certainly
2 might not have been true, might have been a
3 misunderstanding.

4 But does anyone have -- when I ask that
5 question, a particular memory that that sort of rings a
6 bell with you that you were accused, falsely or
7 otherwise, of taking someone else's idea? No?

8 Has anyone here ever been involved in a
9 dispute about property? A property, as you know, could
10 be land. Property could be a house on land. Property
11 could be a car or a physical thing that you own.
12 Property, as we'll learn about in this case, could be
13 intellectual property in the form of a patent or a
14 copyright.

15 Yes, sir, Mr. Austin. And I saw
16 Ms. Mangrum raise her hand, as well.

17 JUROR AUSTIN: Yes, the land that I own
18 right now the county has paved over part of my property,
19 and we're going through the right-of-way --

20 MR. CAWLEY: Yes, sir.

21 JUROR AUSTIN: -- who owns what.

22 MR. CAWLEY: Okay.

23 JUROR AUSTIN: Who pays taxes under what.

24 MR. CAWLEY: Okay. Is that in some kind
25 of administrative proceeding or a lawsuit?

1 JUROR AUSTIN: We're proceeding with them
2 right now. We haven't really started anything yet, but,
3 yes, we're in a dispute --

4 MR. CAWLEY: Okay.

5 JUROR AUSTIN: -- and Cherokee County
6 knows it.

7 MR. CAWLEY: Okay. Thank you -- thank
8 you for letting us know about that.

9 Ms. Mangrum, you raised your hand.

10 JUROR MANGRUM: I had a personal property
11 dispute with my family over some family land that my
12 grandparents had left.

13 MR. CAWLEY: I see. Okay. Thank you
14 very much.

15 Anyone else ever been involved in a
16 dispute about property?

17 Okay. Now, let me change the subject a
18 little bit and let me ask all of you just as a group:
19 Who knows what Wi-Fi is? Okay. Okay. Most everybody
20 it seems -- knows what Wi-Fi is.

21 For any of you who didn't raise your
22 hand, it's -- it's the -- it's the ability of a device,
23 typically like a laptop computer, to communicate
24 wirelessly with another device, something, for example,
25 that's frequently called a router or a hotspot. And it

1 means that you can send data wirelessly without having
2 to wire up.

3 Typically people use that to go on the
4 Internet so that you have a laptop somewhere and you
5 can -- you can communicate and get on the Internet
6 without having to have it connected by a wire.

7 Who of you have Internet access in your
8 home? If you would just raise your hands. Okay. Lot
9 of people.

10 Which ones of you have ever had occasion
11 to communicate with Wi-Fi away from home? In other
12 words, you may have been traveling. Maybe you've
13 done -- I don't know where -- Ms. Speights, where --
14 where were you when you did that?

15 JUROR SPEIGHTS: I was in the hospital
16 when I used my Nook --

17 MR. CAWLEY: Okay.

18 JUROR SPEIGHTS: -- and different places
19 like McDonald's or somewhere like that.

20 MR. CAWLEY: Sure.

21 Now, who -- who else raised their hand
22 that I saw?

23 Let me just pick on Mr. Forbis. Where --
24 where have you used Wi-Fi to get on the Internet other
25 than your home?

1 JUROR FORBIS: Just my iPhone.

2 MR. CAWLEY: Sure.

3 JUROR FORBIS: You can do it at Sonic,
4 any restaurant.

5 MR. CAWLEY: Okay. Okay. Let me ask you
6 this question: Which of you have ever paid for Internet
7 access over Wi-Fi? In other words, that often happens
8 in a hotel, sometimes you'll be in a business of some
9 kind.

10 Ms. Williamson, where have you paid to be
11 able to connect Wi-Fi?

12 JUROR WILLIAMSON: In a hotel.

13 MR. CAWLEY: In a hotel?

14 JUROR WILLIAMSON: Uh-huh.

15 MR. CAWLEY: How much did you pay?

16 JUROR WILLIAMSON: Well, it was -- in the
17 early days, I mean, I think at one point I paid like
18 14.95.

19 MR. CAWLEY: Yeah, so you were willing to
20 pay \$15 to be able to use your Wi-Fi?

21 JUROR WILLIAMSON: So I could work while
22 I was away from home.

23 MR. CAWLEY: Just -- just for what, 24
24 hours, couple of days?

25 JUROR WILLIAMSON: Couple of days, yes.

1 MR. CAWLEY: Okay. Who -- who else
2 indicated that they had used -- that they have paid
3 to -- to get Wi-Fi access?

4 Yes, ma'am, Ms. Arnold? Same thing, same
5 kind of money? You've been willing to pay? Maybe you
6 didn't like it, but -- but none of us like it, but it's
7 been important enough that you paid \$15 to have Wi-Fi
8 for -- for a couple of days?

9 Anyone else?

10 Yes, sir, Mr. Henry?

11 JUROR HENRY: I've used it -- paid for it
12 at hotels, as well.

13 MR. CAWLEY: Okay. So same kind of --
14 same kind of money? Used to be \$15, sometimes more.
15 Now it seems like it's usually more like 10.

16 JUROR HENRY: I think that's about right.
17 Sounds about right.

18 MR. CAWLEY: Okay. So you've -- you
19 found it necessary to actually pay that amount to be
20 able to get a day's worth of -- of Wi-Fi access?

21 JUROR HENRY: Yes, sir.

22 MR. CAWLEY: Okay. Well, let me - let me
23 ask you-all a little bit more about Wi-Fi. And -- and
24 it's sort of more of a question of its value to you.

25 Ms. Howard, did you indicate that you

1 used Wi-Fi?

2 JUROR HOWARD: Yes.

3 MR. CAWLEY: You do? What do you use it
4 for?

5 JUROR HOWARD: Use it for my iPhone.

6 MR. CAWLEY: Your iPhone. Okay.

7 JUROR HOWARD: Sorry.

8 MR. CAWLEY: Okay. And how about you,
9 Ms. Branham?

10 JUROR BRANHAM: I use it just to search
11 entertainment, just to look up -- just to look up --

12 MR. CAWLEY: Okay. Sure.

13 JUROR BRANHAM: -- information.

14 MR. CAWLEY: Okay. Sure. Do you
15 have a -- what kind of computer do you use?

16 JUROR BRANHAM: We use Dell, but I mostly
17 use my iPhone --

18 MR. CAWLEY: Okay.

19 JUROR BRANHAM: -- to search.

20 MR. CAWLEY: Okay.

21 JUROR BRANHAM: I'm not a computer --

22 MR. CAWLEY: Okay. Let me ask you -- let
23 me ask you this question: I want you to -- do you have
24 a laptop computer?

25 JUROR BRANHAM: Yes, we do.

1 MR. CAWLEY: Does it have Wi-Fi?

2 JUROR BRANHAM: Yes.

3 MR. CAWLEY: All right. Let me ask you
4 to suppose that for whatever reason you're in the market
5 for a new laptop. Maybe you spilled coffee on your old
6 one or maybe you've got someone that you want to give it
7 away to and you're ready for a new one.

8 JUROR BRANHAM: Uh-huh.

9 MR. CAWLEY: So you shop around wherever
10 you -- you would like to shop for a laptop and you find
11 a laptop and it's got everything you want. It's got
12 memory you want and the size of screen you want. It's
13 got all the features you want, including Wi-Fi, and it
14 cost a thousand dollars. And we can get laptops cheaper
15 these days, but let's just say that that one with
16 everything you want on it is going to cost a thousand
17 dollars.

18 But you also learn that there's another
19 laptop, the same maker, same features, everything about
20 it is exactly the same, except it doesn't have Wi-Fi and
21 it cost \$900.

22 JUROR BRANHAM: I would have to take the
23 Wi-Fi.

24 MR. CAWLEY: Would you pay an extra
25 hundred dollars to get Wi-Fi?

1 JUROR BRANHAM: Yes.

2 MR. CAWLEY: Okay.

3 JUROR BRANHAM: Uh-huh.

4 MR. CAWLEY: Who agrees with Ms. Branham?

5 Who -- who would be willing to pay another hundred

6 dollars to get Wi-Fi in their laptop computer?

7 Is there anyone who disagrees? Anyone

8 who says, you know, Wi-Fi's okay, but for a hundred

9 dollars, I'll do without it?

10 No hands raised? Okay.

11 Have any of -- thank you, Ms. Branham.

12 I'm sorry.

13 Have any of you worked for a company that

14 makes wireless equipment, or have any of your family

15 members -- and wireless is a pretty broad term these

16 days. It can include things like cell phones, Wi-Fi,

17 Bluetooth.

18 Yes, ma'am, thank you for raising your

19 hand, Ms. Chambers.

20 JUROR CHAMBERS: I worked for 28 years

21 for AT&T.

22 MR. CAWLEY: Oh.

23 JUROR CHAMBERS: I didn't actually

24 assemble telephones, but I did --

25 MR. CAWLEY: Sure.

1 JUROR CHAMBERS: -- operation works and
2 testing --

3 MR. CAWLEY: Okay. Testing.

4 JUROR CHAMBERS: -- when they would test
5 new equipment.

6 MR. CAWLEY: Great, yeah.

7 JUROR CHAMBERS: Like when they had the
8 war in Iran --

9 MR. CAWLEY: Yes, ma'am.

10 JUROR CHAMBERS: -- they tested new
11 equipment for people to call from there --

12 MR. CAWLEY: Right.

13 JUROR CHAMBERS: -- into the states.

14 MR. CAWLEY: Right. Okay. Great.

15 JUROR CHAMBERS: I did that type thing,
16 but I had never, like, assembled a phone.

17 MR. CAWLEY: Yeah. Yeah. Okay. Thank
18 you for letting us know about that.

19 Anybody else worked for a company that
20 has been in the wireless business?

21 Yes, ma'am? That's Ms. Williamson.

22 JUROR WILLIAMSON: I worked for Cox
23 Communication. I was director of marketing.

24 MR. CAWLEY: Okay.

25 JUROR WILLIAMSON: We did telephony.

1 MR. CAWLEY: Sure.

2 JUROR WILLIAMSON: And obviously all the
3 other stuff.

4 MR. CAWLEY: Okay. When did you do that?

5 JUROR WILLIAMSON: I worked for Cox from
6 2001 to 2006.

7 MR. CAWLEY: Okay. Thank you, ma'am.

8 Anyone else?

9 Yes, ma'am? Someday I'll try and get
10 organized and then get it all -- all in one place at one
11 time and then move to another, instead of this tennis
12 match, but this is -- this is fine.

13 Yes, ma'am, you're Ms. Allen?

14 JUROR ALLEN: Yes, sir. Suddenlink
15 Communications --

16 MR. CAWLEY: Okay.

17 JUROR ALLEN: -- Internet and telephone.

18 MR. CAWLEY: Sure. Great. Okay. And do
19 you work there now? Is that where you're -- is that
20 what you do?

21 JUROR ALLEN: No, sir. I -- I did it
22 from 2008 to 2011.

23 MR. CAWLEY: And now you're a
24 communications supervisor?

25 JUROR ALLEN: Yes, sir.

1 MR. CAWLEY: What do you as a
2 communications supervisor?

3 JUROR ALLEN: 9-1-1 emergencies.

4 MR. CAWLEY: I see. Okay. Good. Thank
5 you. Thank you very much.

6 And I saw a hand here. Yes, sir? Thank
7 you.

8 JUROR ENAS: Yeah, I worked for a placed
9 called F3 Technology Group.

10 MR. CAWLEY: Okay.

11 JUROR ENAS: We're -- we have some IT
12 people Cisco dealers, IBM, so we work with it. We don't
13 manufacture it.

14 MR. CAWLEY: Okay. I understand. What
15 do you do there?

16 JUROR ENAS: I'm a service tech. I can
17 do from phone systems --

18 MR. CAWLEY: Sure.

19 JUROR ENAS: -- trouble calls, to the
20 hard wiring --

21 MR. CAWLEY: Right.

22 JUROR ENAS: -- setting up switches --

23 MR. CAWLEY: Right.

24 JUROR ENAS: -- patch panels, and all
25 that type of stuff.

1 MR. CAWLEY: Good. Sure. Thank you.

2 Thank you very much.

3 Anyone I missed?

4 Yes, sir?

5 Anybody over here that I missed, first of

6 all? No?

7 Okay. So let's move the microphone back

8 here, and we will ask Mr. Billingsley about his

9 communication -- his connection with wireless.

10 JUROR BILLINGSLEY: I'm retired, so I

11 manage my money. I own stock in Intel, Vodafone, AT&T,

12 and Verizon.

13 MR. CAWLEY: Okay. So you own stock in

14 Intel?

15 JUROR BILLINGSLEY: Yes, sir.

16 MR. CAWLEY: Would -- would your

17 ownership of stock in Intel influence the decision you

18 might make in this case?

19 JUROR BILLINGSLEY: Well, perhaps.

20 MR. CAWLEY: Okay.

21 JUROR BILLINGSLEY: Probably own over --

22 about a hundred thousand dollars worth.

23 MR. CAWLEY: Okay. Well, under the

24 circumstances, you -- you understand, Mr. Billingsley,

25 or Mr. -- yeah, Mr. Billingsley, that even though you

1 might try to be as objective as you can, that if you
2 have a financial interest in one of the parties, that --
3 that the people at Ericsson might feel more comfortable
4 if you served on some other jury?

5 JUROR BILLINGSLEY: I understand.

6 MR. CAWLEY: Okay. Thank you, sir,
7 for -- for letting us know that.

8 Anyone else own stock in any of the
9 companies here: Ericsson, Intel, NETGEAR, Belkin, Dell,
10 D-Link? Thank you. Don't want to forget them.

11 Now, let me ask you a pretty fundamental
12 question. We're here about a lawsuit, of course. This
13 is -- this is a lawsuit to resolve the dispute about the
14 use of Ericsson's patents. And it seems as though there
15 are sort of two camps of people these days when it comes
16 to thinking about lawsuits.

17 One camp of people is of the view that,
18 you know, law -- lawsuits are unfortunate, but -- but we
19 have to have them. We have disputes. They need to be
20 resolved. And juries generally work hard and do a good
21 job and reach the right decision. That's one view.

22 But there are other people who have a
23 different view. And their view is that there are too
24 many crazy lawsuits; that juries frequently run away and
25 award all kinds of money for things that don't make any

1 sense at all.

2 Ms. Speights, what's your view about

3 that?

4 JUROR SPEIGHTS: Patents?

5 MR. CAWLEY: No, about lawsuits.

6 JUROR SPEIGHTS: Well, I believe if you
7 have a valid case, I would -- I would fight for it --

8 MR. CAWLEY: Okay.

9 JUROR SPEIGHTS: -- if you think you're
10 right.

11 MR. CAWLEY: Is there anyone who
12 disagrees with Ms. Speights, who feels as though
13 there -- there are just way too many lawsuits and --
14 and, you know, really people shouldn't file lawsuits and
15 they're really not the right way?

16 Yes, sir, Mr. -- you're Mr. Buck?

17 JUROR BUCK: I think suing for spilling
18 hot coffee on you and getting a million dollars --

19 MR. CAWLEY: Okay.

20 JUROR BUCK: -- is frivolous.

21 MR. CAWLEY: Sure, sure. And, Mr. Buck,
22 I thank you for telling us your opinion because I should
23 have said earlier than I did, but I hope it's obvious.
24 There are no right or wrong answers here. People --
25 people have different views, and we're here to find out

1 your views.

2 Thank you. Thank you for sharing that.

3 Anyone else who -- who would say -- I mean, we all agree
4 that you could have a lawsuit that's -- that's silly.

5 But does anyone else have a problem with a company like
6 Ericsson coming to court and filing a lawsuit to try to
7 recover fair value for the use of its property?

8 Does anyone here have any moral or
9 religious reason why they feel uncomfortable to serve on
10 a jury?

11 Now, you've heard a little bit about
12 Ericsson already, and you'll hear more as the trial
13 progresses. You've heard that Mr. Brismark here is from
14 Sweden. The next live witness you'll hear in the case
15 is Ms. Christina Petersson.

16 Stand up if you would, Ms. Petersson.
17 Ms. Petersson is also from Sweden.

18 Even though Ericsson started as a Swedish
19 company, it on now does business all over the world.
20 Its second largest headquarters is actually in Plano.
21 But is there anyone here who feels, you know, some of
22 those -- Intel is an American company and some of the
23 other Defendants are American companies.

24 Is there anyone who would feel that they
25 could not be fair to a company like Ericsson that

1 started in another country -- Sweden, that you'd just
2 tend to say, you know, this is complicated and I'm not
3 sure; but I think I'm going to go with the American
4 company in making my decision? Anyone feel like that?

5 Mr. Brismark and Ms. Petersson, since
6 they're from Sweden, they grew up speaking Swedish.
7 They studied English in school, so you'll hear that they
8 have a little bit of an accent, but they speak English
9 quite well and you'll be able to understand them.

10 But is there anyone who would feel, you
11 know, we've got a lot of witnesses in this case and most
12 of them are American, but some of them come from foreign
13 countries. And -- and I think -- knowing myself, I
14 would just be a little bit inclined to go with the
15 American witnesses rather than the witnesses from
16 another country? Anyone feel like that?

17 One of the Defendants you've heard, Dell,
18 is a company in Texas -- started in Texas. Its
19 headquarters is in Texas. Anyone feel that they would
20 be in favor of a Texas company, as opposed to a company
21 like Ericsson, if all things were equal?

22 All right. Who are the people here who
23 have owned a business?

24 Yes, sir, we heard from you.

25 And, Mr. Forbis, tell us about your

1 business.

2 JUROR FORBIS: I have a public account --
3 accountancy business, and we have a medical billing
4 business.

5 MR. CAWLEY: Thank you very much.

6 And, Ms. Arnold, what business did you
7 own?

8 JUROR ARNOLD: I currently own a
9 third-party administration services firm. We do
10 retirement plan administration.

11 MR. CAWLEY: Great. Okay.

12 Anyone else?

13 Yes, ma'am, Ms. Williamson.

14 JUROR WILLIAMSON: I'm a -- I'm a
15 consultant, and I work --

16 MR. CAWLEY: Okay.

17 JUROR WILLIAMSON: -- for myself.

18 MR. CAWLEY: Sure, sure. Thank you.

19 And Ms. Travis?

20 JUROR TRAVIS: We just had a cattle
21 business awhile back.

22 MR. CAWLEY: Okay. Great. Thank you
23 very much.

24 Now, the evidence -- I've already told
25 you that Ericsson is here in court seeking to recover

1 fair value for the use of its patents, and the evidence
2 you will hear is that there's a different amount that
3 Ericsson is seeking from each one of these companies
4 that you've heard use their patents and refuse to pay
5 fair value.

6 The lowest of the amounts that you'll
7 hear about is just about \$1 million, and the highest
8 amount is a little over \$11 million.

9 Now, I recognize that you haven't heard
10 any of the evidence about that yet; but is there anyone
11 here who hears those numbers and feels, you know, \$11
12 million, I don't think a patent could ever be worth
13 that? I just think that's -- that's way too much money
14 and I don't see how I could ever award \$11 million for
15 the infringement of a patent? Anyone feel that way?

16 All right. I'm almost finished here.
17 But I'm going to ask you to think about something that
18 we're going to do very quickly at the very end of the
19 questions I'm asking you. If we have time, I want to go
20 down the row and ask you one at a time to answer this
21 question. I'm going to tell it to you now so you can
22 think about it for just a few minutes.

23 I'm going to ask you, what public
24 figure -- public figure, somebody we all know, alive or
25 dead, doesn't matter, do you admire most and why? Okay.

1 Now, the Defendants in this case will
2 claim that two of the Ericsson patents in this case are
3 invalid. Judge Davis will tell you that to prove that
4 the Patent Office made a mistake, you have to prove that
5 by a higher burden of proof than normal. You have to
6 prove it by clear and convincing evidence, and that's
7 because the Patent Office has already done their job.
8 They've already decided that the patents are good. And
9 if the Defendants want you to decide that two of them
10 are not and that the Patent Office got it wrong, they
11 have to prove that to you by a higher burden: Clear and
12 convincing evidence.

13 Is there any one who just feels like
14 that's not fair? It's not fair that the Defendants
15 should have a higher burden of proving the patent
16 invalid? No? Okay.

17 You've got the microphone over there,
18 ma'am. If you'll just hand it to -- to Mr. Henry.
19 Real quick, Mr. Henry, what public figure do you admire
20 the most and why?

21 JUROR HENRY: I always liked Thomas
22 Jefferson.

23 MR. CAWLEY: Thomas Jefferson. Why is
24 that?

25 JUROR HENRY: Well, he was one of the

1 authors of the Declaration of Independence. He's a
2 renaissance man, in my opinion.

3 MR. CAWLEY: Absolutely.

4 Mr. Buck?

5 JUROR BUCK: Will Rogers. He told it
6 like it was or -- or said things that a lot of people
7 wouldn't say, but he did it with humor.

8 MR. CAWLEY: Never met a man he didn't
9 like.

10 Mr. McGaughey?

11 JUROR McGAUGHEY: It's McGaughey
12 (different pronunciation).

13 MR. CAWLEY: McGaughey. Sorry.

14 JUROR McGAUGHEY: President Ronald
15 Reagan.

16 MR. CAWLEY: Okay.

17 JUROR McGAUGHEY: He -- he just set this
18 country on a path that I thought we needed to be on, and
19 we've kind of strayed from that.

20 MR. CAWLEY: Thank you.

21 Mr. Richardson?

22 JUROR RICHARDSON: Yes, sir, Abraham
23 Lincoln. Equality for all.

24 MR. CAWLEY: Yes, sir. Thank you very
25 much.

1 Mr. Vandenburg?

2 JUROR VANDENBURG: Jesus Christ, our Lord
3 and Savior.

4 MR. CAWLEY: All right. I'm sure we'd
5 all agree with that.

6 How about you, Ms. Herman?

7 JUROR HERMAN: Ronald Reagan.

8 MR. CAWLEY: Ronald Reagan. All right.
9 What -- where did you paint murals, by
10 the way?

11 JUROR HERMAN: Homes and churches.

12 MR. CAWLEY: Okay. Great. Thank you
13 very much.

14 Ms. Reyna, how about you, public figure
15 you most admire and why?

16 JUROR REYNA: Billy Graham, probably.

17 MR. CAWLEY: Billy Graham. Okay. Thank
18 you very much. If you'd just pass the microphone
19 straight back to -- we'll ask Ms. Chambers to tell us.

20 JUROR CHAMBERS: Abraham Lincoln because
21 of his righteousness and -- and his belief in everybody
22 having their rights.

23 MR. CAWLEY: Yes, ma'am. Thank you very
24 much.

25 Ms. Allen, how about you?

1 JUROR ALLEN: Martin Luther King because
2 of what he stood for.

3 MR. CAWLEY: Sure. Okay. Thanks very
4 much.

5 Mr. Havens?

6 JUROR HAVENS: Benjamin Franklin;
7 inventor, statesman, and philosopher.

8 MR. CAWLEY: He was an inventor, wasn't
9 he? Yes, sir. Thank you very much.

10 Ms. Brown?

11 JUROR BROWN: Billy Graham for his
12 conviction and always being very confident and walking a
13 straight line and sharing --

14 MR. CAWLEY: Sure.

15 JUROR BROWN: -- his convictions.

16 MR. CAWLEY: Thank you for that.

17 Mr. Enas?

18 JUROR ENAS: I'm going to go with someone
19 that's still living local, Kevin Eltife. He's from
20 Tyler. Started out, you know, as just a good old boy.

21 MR. CAWLEY: Great.

22 JUROR ENAS: City -- worked for the City,
23 became Mayor, and now he's a U.S. -- or State Senator,
24 so --

25 MR. CAWLEY: Excellent.

1 JUROR ENAS: -- I think he's going to go
2 far.

3 MR. CAWLEY: Excellent. Well, we'll -
4 we'll have to tell him you said so.

5 Okay. Mr. -- Mr. Craddock?

6 JUROR CRADDOCK: Another vote for Dr.
7 Billy Graham --

8 MR. CAWLEY: All right.

9 JUROR CRADDOCK: -- for preaching the
10 Gospel --

11 MR. CAWLEY: Yes, sir.

12 JUROR CRADDOCK: -- all those years.

13 MR. CAWLEY: Okay. Very good.

14 Ms. Kelley?

15 JUROR KELLEY: Margaret Thatcher for her
16 strong leadership.

17 MR. CAWLEY: Interesting. Okay. Thanks
18 very much.

19 Now, if you could just hand the
20 microphone to Mr. Forbis. What do you think, Mr.
21 Forbis?

22 JUROR FORBIS: I'll have to go with
23 Ronald Reagan and his -- the way he changed -- the way
24 government works.

25 MR. CAWLEY: Right. Okay. Good. Thank

1 you.

2 Ms. Travis?

3 JUROR TRAVIS: Ronald Reagan.

4 MR. CAWLEY: Okay. Popular president in
5 this crowd.

6 Yes, ma'am?

7 JUROR VRNAK: Ex-President George W.
8 Bush.

9 MR. CAWLEY: George W. Bush. Okay.

10 JUROR VRNAK: I believe he did the job to
11 the best of his abilities and was honest.

12 MR. CAWLEY: Thank you very much.

13 Mr. Billingsley, what do you think?

14 JUROR BILLINGSLEY: Ronald Reagan. He
15 fundamentally changed the direction of the country.

16 MR. CAWLEY: Okay. Ms. Speights?

17 JUROR SPEIGHTS: Billy Graham again.

18 MR. CAWLEY: Okay. Great.

19 Ms. Cameron?

20 JUROR CAMERON: I'm going to have to go
21 with Reagan, as well.

22 MR. CAWLEY: I'm sorry?

23 JUROR CAMERON: I said, I'm going to have
24 to go with Ronald Reagan, as well.

25 MR. CAWLEY: Okay. Okay. Good. Thank

1 you. I didn't -- I didn't understand you, but thank you
2 very much.

3 Ms. Mangrum?

4 JUROR MANGRUM: And I'd like to say
5 something political, but I'm not a political person.

6 MR. CAWLEY: Okay.

7 JUROR MANGRUM: First person that came to
8 my mind was Elvis Presley. He makes the world a better
9 place. I'm sorry.

10 MR. CAWLEY: All right.

11 JUROR AUSTIN: President Barak Obama
12 because I believe he wants to unify the country.

13 MR. CAWLEY: Okay. Thank you very much.

14 Ms. Killyon?

15 JUROR KILLYON: Oprah Winfrey because
16 she's a self-starter and she gives back.

17 MR. CAWLEY: Well, thank you. I'm
18 surprised we haven't heard Oprah Winfrey from anybody
19 before you, because people -- people love Oprah and --
20 and we all know why.

21 Mr. Grubbs, Jimmy Hendrix, right?

22 JUROR GRUBBS: Yeah, I was actually
23 thinking about it.

24 MR. CAWLEY: Okay.

25 JUROR GRUBBS: I'll probably say Timothy

1 Keller.

2 MR. CAWLEY: Who?

3 JUROR GRUBBS: Timothy Keller. He's a
4 pastor of a Presbyterian church --

5 MR. CAWLEY: Oh, I'm sorry.

6 JUROR GRUBBS: -- in New York City.

7 MR. CAWLEY: Okay.

8 JUROR GRUBBS: He's written quite a few
9 books.

10 MR. CAWLEY: Okay. Presbyterian church?

11 JUROR GRUBBS: Uh-huh.

12 MR. CAWLEY: Okay. Great. Thank you
13 very much, sir.

14 And Ms. Branham?

15 JUROR BRANHAM: I'm going to say Joel
16 Osteen. He's a very inspirational --

17 MR. CAWLEY: Sure.

18 JUROR BRANHAM: -- speaker.

19 MR. CAWLEY: Right. Right. Okay. Thank
20 you very much.

21 Ms. Howard?

22 JUROR HOWARD: I'm going to have to say
23 Billy Graham, also. I think he's set a great example
24 for people.

25 MR. CAWLEY: Sure. Sure he has. Okay.

1 Ms. Arnold?

2 JUROR ARNOLD: I'm going to mention a
3 different religious icon, Pope Francis for his humble
4 leadership.

5 MR. CAWLEY: Okay. Thank you very much.
6 And finally, Ms. Williamson?

7 JUROR WILLIAMSON: Martin Luther King
8 because he had a dream and he pursued it.

9 MR. CAWLEY: Thank you very much. Well,
10 that's -- that's, again, wonderful to hear from all of
11 you and to hear -- hear those opinions and those values
12 that we've come to expect from the people in this part
13 of the country.

14 Now, I got about one minute left and I'm
15 going to ask -- take that one minute to ask you this
16 question: Is anyone sitting there and thinking to
17 themselves, you know, I wish he'd ask me about this?
18 There's something that I'm thinking about. There's
19 something that I'm concerned about, and I didn't know if
20 I should bring it up; but -- but I really think he'd
21 want to know about this if -- if he knew?

22 Is anyone thinking about any issue,
23 anything in your background, anything else? Okay. I
24 have one hand up. Is that all?

25 And, again, that's Ms. Arnold.

1 JUROR ARNOLD: I'm just curious if you
2 would want to know what our favorite computer products
3 are, if we used that in our business or our home?

4 MR. CAWLEY: Why don't you tell us yours?

5 JUROR ARNOLD: Dell is our favorite type
6 of computer. We use NETGEAR.

7 MR. CAWLEY: Okay.

8 JUROR ARNOLD: Most of these products
9 that you've listed on the side are things that we used.

10 MR. CAWLEY: Thank you. Thank you for
11 raising that because I should have and you did. So let
12 me -- let me follow that up a minute.

13 Probably a lot of people here use Dell.
14 Maybe a lot of people use NETGEAR or Belkin. All of
15 the -- all of the companies that -- that are the
16 Defendants in this lawsuit are things that they make and
17 they make good products and people like to use them.

18 Is there anyone here who likes those
19 products so well, who loves their Dell computer so much,
20 who really thinks that their NETGEAR router is just the
21 best thing in their house, or -- or otherwise would be
22 influenced by that experience in reaching a verdict in
23 this case?

24 Ms. Arnold, you think that -- you think
25 that because of your personal experience, you would go

1 into the case a little bit biased?

2 JUROR ARNOLD: I'm afraid so.

3 MR. CAWLEY: Okay. Thank you for your
4 honesty, ma'am. We appreciate that.

5 Anyone else agree with Ms. Arnold about
6 that? Is anyone else of the view that even if you've
7 used these products, even if you like these products,
8 that you could decide this case fairly on the evidence?
9 Everyone else able to commit to that?

10 Ladies and Gentlemen, I thank you very
11 much.

12 THE COURT: Thank you, Mr. Cawley.

13 Mr. Jones?

14 MR. JONES: Thank you, Your Honor.

15 Can everybody see that?

16 All right. I have it so you all can see
17 it?

18 Obviously, I just had to help my good
19 friend, Mr. Cawley, remind him of the seventh Defendant,
20 D-Link. And in order to save a little time today when I
21 talk about all the Defendants, I'll talk about them
22 collectively.

23 But when I do, I'm referring to Intel,
24 Acer, Dell, Toshiba, NETGEAR, D-Link, and Belkin, and
25 maybe that will save us a little time.

1 Again, my name is Mike Jones, and I am
2 the attorney that's been requested to do jury selection
3 for the Defendants in this case.

4 And the first thing I want to do is to do
5 something that Mr. Cawley just did. And I totally agree
6 with him. I want to thank you for your service today.
7 This is an important case to these Defendants. Let me
8 assure you of that. It's an important case for many
9 reasons other than money. It's a case that needs to be
10 resolved. And without your time and without your
11 attention and without your efforts, we cannot get it
12 resolved.

13 And on behalf of each of these
14 Defendants, I want to thank you for your service today
15 on the jury panel and then the service of those of you
16 who are ultimately selected as jurors.

17 The second thing I would like to do is
18 ask you a procedural question. It's basically a
19 question about the procedures that the Defendants will
20 follow in this case.

21 Now, we can't get all the client
22 representatives of the Defendants around this table.
23 You just saw that. It would be impossible to do.
24 We have seven different Defendants.

25 Now, you can imagine, it would take a

1 long time if all seven attorneys for the Defendants did
2 jury selection. And the good news is, they're not going
3 to. They want to; they know they could do it better
4 than I do it; but they're not going to do it because
5 we're going to try to be very efficient with your time.

6 The same thing will be true about various
7 aspects of the case. Only one lawyer for all will speak
8 at various times during this case.

9 The same thing will be true about
10 evidence. This case involves common issues; and because
11 of that, some of the Defendants won't present employees
12 to testify.

13 For example, Intel, Mr. Johnson here will
14 testify, as well as another individual.

15 With regard to Belkin, the last client I
16 introduced, they won't have any employees testify, which
17 leads me to this question: Does anybody think that a
18 Defendant in this case that doesn't even present one
19 employee to testify has somehow done less than it
20 should? Anybody feel that way?

21 And if you do, I'd just appreciate you
22 telling me that. Anybody feel that, you know, if you're
23 taking this case seriously enough, you ought to at least
24 have one of your employees come testify about it?
25 Anybody feel that way?

1 The same question about attorneys. Some
2 of the attorneys representing some of these Defendants
3 will not be speaking.

4 Does anybody think, you know, look, if
5 you're sued in federal court, you ought to at least have
6 your attorney speak; you know, you ought to take it that
7 seriously?

8 Anybody see anything wrong with that? If
9 you do, just please let me know.

10 And, again, you may think that's a silly
11 question, but all of these Defendants each and every one
12 of them, take this case very seriously.

13 They think it's a very important case,
14 and they don't want you to think, by the fact that their
15 employees might be silent here today in the interest of
16 efficiency, that somehow they don't think it's a very
17 important case.

18 Thank you.

19 The next question I'd like to talk to you
20 a little bit about is probably the most important
21 question that I will ask you today, and that is this:
22 Mr. Cawley spoke very eloquently, and he told you in no
23 uncertain terms that the Defendants in this case use
24 Ericsson's patents.

25 He also told you in no uncertain terms

1 that the Defendants in this case owe millions of dollars
2 because they use Ericsson's patents.

3 Now, as we move forward, after you've
4 heard Mr. Cawley's presentation, is anybody sitting
5 there and going: You know, to be honest with you, the
6 Defendants are already behind? Anybody feel like that?

7 Anybody feel like, you know, we wouldn't
8 be in federal court, Judge Davis wouldn't be here, this
9 panel wouldn't be here, all of these people wouldn't be
10 here if there wasn't something to this? Anybody feel
11 like that?

12 And don't worry about hurting my
13 feelings; but if you do feel that way, please let me
14 know. Anybody? Anybody feel like where there's smoke,
15 there's got to be fire? Anybody?

16 Well, let me ask it just a little bit
17 more positively. Would everybody agree with the
18 statement that I have no idea who's right in this case
19 right now; I need to see the evidence before I can make
20 any decisions?

21 Would everybody agree with that
22 statement? If you would, would you raise your hand?
23 Is that everybody? Yeah. I think everybody agrees with
24 that statement.

25 I'll tell you why this is the most

1 important question that I'm going to ask you. It's the
2 most important question because the evidence is going to
3 show you that these Defendants' designers, these
4 Defendants' engineers, these Defendants' employees, and
5 these Defendants' suppliers designed and created the
6 products that are accused of infringement in this case.

7 The evidence will show you that these
8 patents are not used in these products. The evidence
9 will show you that these products are built in
10 accordance with IEEE standards, particularly the 802.11n
11 standard that you'll hear a lot about in this case; and
12 that standard does not use Ericsson's patents. That's
13 what the evidence is going to show.

14 So it is very important that you wait
15 until you hear all the evidence before you make a
16 decision. Can all of you agree to do that?

17 Is there anybody that says: I can't
18 wait; I've got a decision?

19 Can everybody wait till they hear the
20 evidence? If you can't, let me know.

21 Thank you so much.

22 Now, Ms. Speights, if I could pick on you
23 just for a second. Mr. Cawley picked on you.

24 If you could give her the microphone.

25 You just said that if a plaintiff had a

1 case and they had a good case, you thought they ought to
2 fight for it.

3 JUROR SPEIGHTS: True.

4 MR. JONES: Remember that?

5 JUROR SPEIGHTS: Yes, sir.

6 MR. JONES: Let me ask you the opposite
7 side of that question.

8 If a company such an Intel, Mr. Johnson's
9 company, is sued, do you think, if Mr. Johnson believes
10 he doesn't infringe and that his company created his
11 products, do you think he ought to fight for his
12 company?

13 JUROR SPEIGHTS: Yes, sir, I do.

14 MR. JONES: Okay. So it goes both ways?

15 JUROR SPEIGHTS: Yeah.

16 MR. JONES: Fair enough. Thank you so
17 much.

18 Anybody disagree with Ms. Speights? And
19 if you do, again, tell me. That's fine.

20 Thank you.

21 Now, with regard to patents, Mr. Cawley
22 talked about patents. I don't know, but I've been told
23 that the first patent on this paperclip was in about
24 1896.

25 Can y'all see the paperclip? Everybody's

1 familiar with a paperclip. And it puts paper together.
2 I've also been told that there are at least 200, if not
3 more, patents concerning paperclips after the one in
4 1896 that does this.

5 And the reason for that is pretty simple.
6 This paperclip concerns one way to clip paper. But if
7 you clip paper using another way, such as this clip
8 (indicating), then that's a different patent and
9 different patents issued.

10 Now, the principle is this, and I think
11 it's a principle of patent law, and that is that you
12 don't have a patent on clipping paper; you have a patent
13 on a particular way to clip paper.

14 In this case, Ericsson claims that its
15 patents concern a specific way to transfer data using
16 Wi-Fi. They don't claim to have invented Wi-Fi, but
17 they claim to have invented a certain narrow way to
18 transmit data over Wi-Fi.

19 Now, these products of these Defendants,
20 they transmit data over Wi-Fi, but they do it in a
21 different way.

22 Does anybody think that just because we
23 transmit data over Wi-Fi, that we must infringe these
24 patents? Anybody think that? Anybody think that should
25 be the case? Anybody at all?

1 Thank you.

2 Now, these -- this particular case is
3 going to concern Wi-Fi chips. And these are Wi-Fi chips
4 right here (indicating) I'm holding in my hand, if you
5 can see them.

6 And these Wi-Fi chips are made by Intel.

7 This Wi-Fi chip right here is the crane
8 peak chip. You can buy it for about \$2.50.

9 This particular Wi-Fi chip is made by
10 Intel. It's the Taylor peak chip. It has different
11 features. You can buy it for about \$8.79.

12 Now, these whole things -- you see the
13 whole green thing I'm holding up? They're referred to
14 as Wi-Fi cards or Wi-Fi chipsets. And the little black
15 things you see in the middle of them, those are the
16 actual chips.

17 Can everybody see that?

18 And there are different versions of these
19 Wi-Fi cards, and this is the base version, and it costs
20 about \$2.50 right now. I think that the average price,
21 when this lawsuit was filed, for all Wi-Fi chips across
22 the industry in 2010 when this case was filed was about
23 \$2.41.

24 My question to you is: Before today,
25 before I pointed these out to you, did anybody have any

1 knowledge of Wi-Fi chips? Anybody? Had anybody ever
2 seen these chips before?

3 Before I talked about it, did anybody
4 know anything about the price of these chips?

5 Thank you.

6 Now, going back to my paperclip analogy,
7 the contention of Ericsson is that for these products,
8 such as the laptops like you see over here and routers,
9 when they have these Wi-Fi chips, that they infringe
10 these patents because they do data transmitting their
11 particular way as set forth in their patents. In fact,
12 the evidence is going to show you that we do data
13 transmitting in a different way.

14 Does anybody have any knowledge, prior to
15 today, about how data is transmitted wirelessly?
16 Anybody know anything about that?

17 Yes, sir. And that's Mr. Henry, right?

18 JUROR HENRY: Yes, sir.

19 MR. JONES: And what knowledge do you
20 have of that, sir?

21 JUROR HENRY: Not a lot, but I do some
22 work in the secure transmission of data across wireless.

23 MR. JONES: Thank you, sir.

24 In doing that, have you ever purchased
25 any of these Wi-Fi chips individually?

1 JUROR HENRY: No.

2 MR. JONES: Thank you, sir. I appreciate
3 it. Thank you so much.

4 With regard to patents, does anybody
5 think that merely because a patent is issued by the
6 Patent Office that somebody must be practicing that
7 patent? Anybody feel that way?

8 It's not a requirement, to get a patent,
9 that a product actually use your ideas or that anybody
10 actually use your ideas; but does anybody think that
11 should be a requirement?

12 Thank you.

13 Now, in this particular case, you've
14 already seen the film of the federal judiciary about
15 patent cases.

16 And in that film, they told you that
17 patents had claims, and those claims described what was
18 invented. Those claims described what the patent owner
19 owned. Those claims described what the patent owner
20 could exclude others from doing.

21 Now, I believe Judge Davis will instruct
22 you, if you are chosen as a juror, at the end of this
23 case, that in order to infringe, a product must practice
24 each and every element of a claim that describes the
25 invention.

1 I think he will instruct you, it has to
2 be -- every element of the claim must be practiced or
3 must be done by the product. Nine out of ten isn't good
4 enough; 99 percent isn't good enough. It has to be --
5 100 percent of the elements must be practiced.

6 Now, does anyone disagree with that
7 concept? If he instructs you and if I'm right and he
8 gives you that instruction, does anybody say: You know,
9 I would disagree with that; 99 percent, that ought to be
10 good enough? Anybody feel that way?

11 MR. JONES: Anybody feel like that's
12 nitpicking to require every element of the claim to be
13 practiced? Anybody feel like that?

14 I mean, going back -- the reason for this
15 is pretty simple. Going back to my analogy here, the
16 reason you do that is because you're encouraging
17 innovation. Even if you improve just one element, it
18 improves the innovation of the particular device. So
19 that's why we have it.

20 But does anybody have a problem with
21 that?

22 Can anybody -- and let me address this
23 just in one other way and bring it more down to the
24 specifics of our case.

25 In this particular case, the patents that

1 are involved have some claim elements that are so basic,
2 everybody does them. There's going to be no question
3 about it.

4 We're going to admit that some of the
5 elements, sure, we do those. Those are basic elements
6 in the industry. Everybody does them.

7 There are other elements, though, that
8 we're going to say, no, we don't do. We are different.

9 Now, does anyone think, because we say,
10 yeah, we do some of the elements, that, therefore, we
11 must infringe? Anybody?

12 Thank you so much.

13 Will each of you -- can every one of you
14 promise me that you'll require each and every element to
15 be proven before you find a product infringing? Anybody
16 can't?

17 Yes, sir. I appreciate it.

18 Mr. Vandenburg? Thank you, sir.

19 JUROR VANDENBURG: My experience has been
20 that companies will go beyond their way to take the
21 patent right and alter it just enough to make it to
22 where it benefits them and not the party involved with
23 the patent.

24 MR. JONES: Okay. So could you follow
25 Judge Davis's instructions in that regard --

1 JUROR VANDENBURG: Absolutely.

2 MR. JONES: -- if some element was
3 changed?

4 JUROR VANDENBURG: Yes, sir.

5 MR. JONES: Okay. Okay. So you would
6 require every element to be practiced by the product?

7 JUROR VANDENBURG: No. I would follow
8 the Judge's direction.

9 MR. JONES: Okay. Thank you, sir. I
10 sure do appreciate it.

11 Now, Mr. Cawley mentioned that the
12 Plaintiffs in this case were claiming damages of
13 millions of dollars. And he has told you that that will
14 be an issue that will be addressed in this trial.
15 The Defendants in this case will submit evidence on all
16 the issues that the jury will be asked about. And
17 damages is certainly one of them.

18 Do any of you think that because the
19 Defendants will present evidence that these claims of
20 damages are vastly excessive, that because we do that,
21 we are somehow admitting that we must owe something?
22 Anybody think that?

23 I was in a state court case once. I
24 talked to a juror after I tried the case, and they told
25 me, they said, when you, as the Defendant, talked about

1 damages, we thought you were kind of admitting you must
2 have done something wrong.

3 Does anybody feel that way? Anybody at
4 all?

5 Thank you so much.

6 In this case, as Mr. Cawley stated, we
7 contend that two of the patents, the '435 patent and the
8 '625 patent, are invalid.

9 The federal judiciary film said, and I
10 quote, that in order to be valid, a patent must enhance
11 public knowledge by adding something new and useful to
12 it.

13 And it further said that a person may
14 challenge whether a patent is valid and may say that
15 this is not a new idea; this is not a new invention.

16 Now, does anybody have a problem with us
17 doing that? We're going to present evidence to you that
18 somebody thought of the ideas of these patents at a
19 prior time and published those ideas, put it into public
20 knowledge what those ideas were.

21 Does anybody have a problem with that
22 concept?

23 Can they follow that concept?

24 Thank you.

25 Does anybody feel, as you sit here today,

1 uncomfortable with your role of deciding whether or not
2 the United States Patent and Trademark Office did the
3 right thing in issuing these patents?

4 Anybody say: You know, those guys are
5 the experts; I just don't feel comfortable getting into
6 that? Anyone feel that way?

7 Thank you.

8 The film also said and it described a
9 reason why you will be asked as jurors to consider the
10 validity of a patent.

11 It said first that you may see new
12 evidence that the Patent Office didn't see.

13 It said, secondly, that the Patent
14 Office's procedure is a procedure where they only hear
15 from one party. They only hear from the Applicant.
16 And here you will hear from people in the industry that
17 want to present evidence about this patent who have
18 never had an opportunity before, to speak on whether the
19 patent should be issued.

20 Now, my question to you is this: Do any
21 of you feel like there's any impediment to you, for the
22 first time, giving the Defendants their opportunity to
23 present evidence on this issue? Does anybody see any
24 impediment?

25 Ms. Speights, I'll pick on you one more

1 time, if you don't mind. You seem to be everybody's
2 favorite.

3 If we started the trial in this case this
4 afternoon with the jurors and only the Plaintiff showed
5 up, the Defendants didn't show up, who do you think
6 would win?

7 JUROR SPEIGHTS: The Plaintiff.

8 MR. JONES: Okay. And do you see why --
9 do you see why it's important that the Defendants have
10 this -- their first opportunity to present evidence on
11 the invalidity issue?

12 JUROR SPEIGHTS: Yes, sir.

13 MR. JONES: Thank you so much.

14 Now, I'd like to ask you next just a few
15 questions about the parties.

16 Before today, had anyone ever had any
17 relationship with Ericsson?

18 We've asked you whether you had heard of
19 them, Mr. Cawley did, and I think nearly the whole group
20 had heard of Ericsson. But have you had any
21 relationship with Ericsson at all? Anybody?

22 Before today, had you had any
23 relationship, friendships, knowledge of, employees of
24 Ericsson where you've had interactions with them?
25 Anybody?

1 Now, Mr. Cawley introduced some of the
2 attorneys that have worked on this case. He is a member
3 of a firm -- a law firm, McKool Smith, that has offices
4 in Dallas, New York, and other places.

5 Does anybody have any relationships or
6 interaction with that firm, McKool Smith?

7 Some other attorneys that have worked on
8 this case that he didn't introduce are Justin
9 Nemunaitis, Sam Baxter, Brandon Jordan, and Ada Brown.

10 Does anybody know those attorneys?

11 Thank you so much.

12 Now, these are the Defendants. I'll turn
13 my attention next to the Defendants. These are the
14 seven Defendants in this case.

15 Now, we've already heard -- and I really
16 want to thank you, Ms. Arnold, on behalf of Dell. We
17 appreciate it that you like our products. Thank you so
18 much. And I hope somebody else does, too.

19 But with regard to any of these
20 Defendants, how many of you have used products from some
21 of these Defendants, whether it be Dell or others?

22 Yes. That's everybody on the jury panel.
23 Okay.

24 Well, I won't go one by one because we
25 probably don't have time, but let me ask you this: And,

1 again, I can take it. You won't hurt my feelings,
2 because I've already heard something good from
3 Ms. Arnold.

4 Has anybody had any problems with any of
5 the products of any of these Defendants? Anybody?
6 Golly. That's wonderful. Thank you so much.

7 Besides using their products, does
8 anybody have any knowledge of these companies whatsoever
9 before you got here today? Anybody?

10 Anybody seen articles in the press that
11 you've read that's given you opinions about them?

12 Yes. Yes, ma'am. Yes, sir.

13 Excuse me. If you could, I believe
14 it's -- yeah -- Mr. Billingsley. Thank you.
15 Yes, sir.

16 JUROR BILLINGSLEY: I've read various
17 research reports on Intel and Dell.

18 MR. JONES: All right. Thank you so
19 much, sir.

20 Is there anything about that that would
21 affect your service in this case?

22 JUROR BILLINGSLEY: No.

23 MR. JONES: Thank you, sir.

24 Now, let me ask the question generally,
25 just -- because that's the place I'm going to go with

1 have to have to be a Patent Examiner? Anybody?

2 Does anyone know what the error rate is
3 on the approval of patents by Patent Examiners? Anybody
4 know that?

5 Thank you so much.

6 Now, all of these companies are big. You
7 know, in fact, Ericsson may be bigger than some of the
8 Defendants, and some of the Defendants may be bigger
9 than Ericsson; but I do want to ask you a couple of
10 questions about big corporations.

11 Have any of you had a large significant
12 dispute with a major corporation, a big corporation like
13 we have in this lawsuit? Anybody?

14 Thank you.

15 Is there anybody on the panel that would
16 agree -- yes, ma'am. I appreciate it. That would be
17 Ms. Travis, right?

18 JUROR TRAVIS: Yes.

19 MR. JONES: Thank you.

20 JUROR TRAVIS: I was involved in a
21 lawsuit with Ford.

22 MR. JONES: Ford. Okay. Was it over a
23 car you owned?

24 JUROR TRAVIS: Yes.

25 MR. JONES: Thank you very much. I

1 appreciate it.

2 Anybody else that I missed?

3 Thank you so much.

4 I'm going to -- I'm going to make a
5 statement, and I'll ask any of you who agree with it to
6 raise your hand.

7 Do any of you agree with this statement:
8 The only way to control large corporations is by having
9 juries award large verdicts against them?

10 Does anybody agree with that statement?
11 If you would, raise your hand.

12 First row?

13 Second row?

14 Third row?

15 Fourth row?

16 Thank you.

17 Now -- and -- and I won't address this
18 question to -- excuse me. My notes here are making my
19 slow down, and I apologize.

20 I want to ask this question. I know one
21 of you -- and I appreciate everybody filling out the
22 questionnaire, but I can't find it on my notes real
23 quickly -- answered the question that you had been
24 involved in a wrongful termination lawsuit. And I
25 don't -- and I think it's -- and I don't want to ask

1 that person. I know what you've stated in your
2 questionnaire, and that's great, and I really appreciate
3 it. Thank you very much.

4 I would ask -- I would like to ask the
5 rest of the panel, besides that individual, have you
6 ever been involved in a significant dispute with your
7 employer that caused you to think about, you know,
8 hiring legal counsel?

9 Has anybody but that person that
10 mentioned the wrongful termination lawsuit been involved
11 in something like that? Anybody?

12 Thank you so much.

13 Has anybody ever wanted to file a
14 lawsuit? Like Ms. Speights said, you know, you felt
15 like you had good grounds to file a lawsuit and you
16 wanted to do so; but you couldn't do so for some reason
17 or another?

18 Has anybody ever been in that situation?
19 Anybody?

20 Thank you.

21 How many of you have written a letter to
22 the editor or called in on a radio show? How many have
23 done that?

24 I'll raise my hand. I've done it.

25 Anybody on the front row?

1 Yes, ma'am. Ms. Mangrum, you've done it?

2 JUROR MANGRUM: I couldn't tell you when.

3 MR. JONES: I understand. I couldn't
4 tell you when either.

5 JUROR MANGRUM: But I have.

6 MR. JONES: Great. I appreciate it.

7 Anybody else on the front row?

8 I think we got a lot of takers on the
9 second row.

10 Mr. Austin?

11 JUROR AUSTIN: Yes.

12 MR. JONES: Have you done it?

13 Great. I'm not going to even ask you
14 about it. I just wanted to know you've done it.

15 Who else has done it?

16 Ms. Jordan. Great.

17 Anybody else?

18 Ms. Arnold. Excuse me. Ms. Arnold.

19 Anybody else?

20 Over here, anybody -- yes, sir. And that
21 would be Mr. McGaughey?

22 JUROR McGAUGHEY: That's close enough.

23 MR. JONES: Oh. Well, tell it to me

24 right, and I'll try --

25 JUROR McGAUGHEY: McGaughey

1 (pronouncing).

2 MR. JONES: Mr. McGaughey, I sure do
3 appreciate it. Thank you. Sorry to make you do that
4 twice.

5 Who else on the front row there?

6 And then on the second row, we have

7 Mr. Enas.

8 Anybody else?

9 Thank you so much.

10 Now, besides those that told us in the
11 questionnaire they're teaching right now, besides those,
12 who has taught in the past? Anybody?

13 Ms. Vrnak? Thank you, ma'am.

14 Anybody else?

15 Second row?

16 Have I missed anybody?

17 Thank you. I appreciate it.

18 Now, another question I -- just a simple
19 yes or no answer to. How many of you think it's more
20 important to satisfy the spirit of the law than the
21 letter of the law? A simple yes or no question.

22 How many of you think it's more important
23 to satisfy the spirit of the law as opposed to the
24 letter of the law?

25 On the first row?

1 Nobody?

2 Second row?

3 Third row?

4 Fourth row?

5 Thank you so much.

6 How many of you have signed a
7 confidentiality agreement or a non-disclosure agreement
8 with the company you worked for?

9 Thank you.

10 Well, I tell you what. Let's take it
11 kind of one row at a time then and make sure I get
12 everybody down.

13 That would be -- Ms. Speights, you've
14 done that.

15 Mr. BILLINGSLEY, you've done that.

16 Who else on the first row?

17 Thank you.

18 Ms. Travis, you've done that.

19 And we go to the second row. Who's done
20 that?

21 Ms. Killyon has done that. Thank you so
22 much.

23 Ms. Branham. Thank you.

24 And Ms. Williamson.

25 All right. Thank you.

1 Over here?

2 We have a bunch.

3 So, Mr. Henry, you've done that.

4 And Mr. McGaughey has done that.

5 Did I get it right that time?

6 JUROR McGAUGHEY: (Nods head

7 affirmatively.)

8 MR. JONES: Great.

9 And Mr. Vandenburg has done that.

10 And then on the final row? Anybody?

11 That would be -- Ms. Brown's done that.

12 Thank you so much. I appreciate it.

13 How many of you work for a company that

14 has -- and I'm not asking about patents now; I'm talking

15 about trademarks or copyrights -- anybody work for a

16 company that has trademarks or copyrights?

17 Thank you.

18 Nobody over here?

19 Yes, sir. Mr. BILLINGSLEY does. Thank

20 you, sir.

21 And then over here, we had Mr. Henry and

22 Mr. Buck and Mr. McGaughey.

23 Anybody else?

24 Yes. And Ms. Herman.

25 And then we also have Ms. Chambers.

1 Thank you so much. I appreciate it.

2 How many of you regularly make purchases
3 over the Internet? If you could, raise your hands.

4 I think the easiest way to go about this,
5 if you don't make purchases over the Internet, could you
6 raise your hand? Anybody not make purchases?

7 Thank you, sir. I appreciate that.

8 How many of you have seen someone take
9 credit for an original idea that you had in any
10 circumstance you recall? Just something as -- you
11 remember it. Yeah, it sticks in my craw. They stole my
12 idea. Maybe a co-employee, maybe another student.
13 Anybody been in that situation?

14 Thank you so much.

15 How many of you have worked in research
16 and development? How many of you have done that?

17 Yes, sir. And that would be Mr.
18 Vandenburg. And that would be in the construction
19 industry; is that correct?

20 JUROR VANDENBURG: Chemical industry.

21 MR. JONES: The chemical industry?
22 Can you describe that work to us, Mr. Vandenburg?

23 JUROR VANDENBURG: When I got out of
24 college, I went to work for Mobil Oil, and so I did R&D
25 for them.

1 MR. JONES: Great. And Mobil Oil had
2 patents, I bet.

3 JUROR VANDENBURG: Plenty.

4 MR. JONES: Thank you, sir.

5 Anyone else that's worked in research and
6 development?

7 Yes, sir. Mr. Buck?

8 JUROR VANDENBURG: Not directly, but I
9 have worked doing maintenance. We try to find better
10 ways, processes, and equipment to do our work.

11 MR. JONES: Thank you, sir. Thank you,
12 sir.

13 Well, let me -- you've been asked a whole
14 lot of questions, and you have been very patient with
15 myself and Mr. Cawley. I must say I really enjoyed
16 finding out who your favorite people were. I love Joel
17 Osteen, so I was amazed that he came up.

18 But, anyway, as we reach the end of this
19 process, I think you all would agree with me that
20 Mr. Cawley and I could ask questions forever and maybe
21 not ask the right question. So I'd like to conclude
22 with two general questions.

23 The first question is this: Has anybody
24 received any knowledge whatsoever about this case before
25 today, had any knowledge from any source that says: You

1 know, I knew this case was going on or knew something
2 about it?

3 Anybody have any knowledge from any
4 source prior to today?

5 Does anybody think they have knowledge
6 that bears on this case that they got prior to today,
7 starting here; Mr. Cawley talked about it and myself
8 talked about it?

9 Thank you.

10 And the final one is: Obviously, it's my
11 responsibility to try to be as fair as I can to Intel,
12 Acer, Dell, Toshiba, NETGEAR, D-Link, and Belkin. And
13 whether I've asked the question or not, let me ask you
14 to probe your own mind and to please tell me if any of
15 you -- you know, there's a reason why I am just not a
16 good juror on a case involving those Defendants?

17 If anyone feels that way -- if it's a
18 private reason, you know, then we can take it up with
19 the Judge at the bench, but just let me know about it.

20 Anybody know any reason whatsoever they
21 can't be fair to these people that I am speaking for,
22 have the great honor to speak for? Anybody?

23 Thank you so much for your time and your
24 attention. I really appreciate it, and I look forward
25 to exploring this case with those of you who are

1 selected as jurors.

2 THE COURT: Thank you, Mr. Jones.

3 All right, Ladies and Gentlemen of the
4 Jury, we're just about through with the voir dire
5 examination. In a moment, I'm going to allow you to
6 take a break for about 15 minutes.

7 And you can go through those rear doors
8 and up and down the hallway. There are restrooms. Walk
9 outside, if you wish to.

10 When you come back in, you can just have
11 a seat on the right-hand side of the courtroom in any
12 order. You don't need to be in your particular order.
13 And at that time, we will call the eight jurors that are
14 selected on the jury.

15 I, again, want to thank all of you for
16 being here today and for your service, even those of you
17 who are not selected on the jury.

18 You know, lots of times, people complain
19 and grumble about jury service; and as I think one of
20 the attorneys mentioned, this is a right guaranteed to
21 us by the Constitution.

22 It's a right that in other areas of the
23 world -- I think we all see on the evening news how
24 disputes sometimes get settled in a not very friendly
25 way, and we're fortunate to have our court system and

1 the right for people who cannot resolve their dispute to
2 come and have ordinary citizens from the community
3 decide those.

4 So I just want you to know that this is
5 indeed a high calling, and I know it's an inconvenience,
6 but I hope you will consider -- consider your service
7 here today in that vein.

8 Let me just visit with the attorneys here
9 at the bench for a moment.

10 (Bench conference.)

11 THE COURT: Anyone you need to visit
12 with? Anyone afterwards?

13 MR. CAWLEY: I don't think so.

14 MR. JONES: (Nods head negatively.)

15 THE COURT: I'm going to excuse No. 4,
16 Mr. BILLINGSLEY for cause; No. 13, Ms. Arnold, for
17 cause.

18 I did not hear Mr. Buck's answer to the question
19 about -- I think it was too many lawsuits.

20 MR. CAWLEY: Coffee. He said, you know,
21 he thinks that things like spilled coffee lawsuits are
22 silly.

23 THE COURT: All right. Any other
24 challenges for cause?

25 MR. CAWLEY: Well, I would like to talk

1 to you about Juror No. 5. He knows Mr. Jones' wife and
2 children. You know, I just -- and Juror No. 14 knows
3 Mr. Dacus's wife, Shannon, who appeared as counsel in
4 this case.

5 MR. JONES: Can I speak to that?

6 THE COURT: Uh-huh.

7 MR. JONES: There is no showing.

8 Ms. Vrnak said she didn't even know me, which kind of
9 hurt my feelings, but she didn't even know me. She
10 knows my wife and son just because they went to the same
11 school 10 years ago. There is no showing that Ms. Vrnak
12 couldn't be fair.

13 With regard to Ms. Williamson, she does
14 know Ms. Dacus; but, again, there is no indication it
15 would it any way affect her jury service. And Mr. Dacus
16 was introduced.

17 THE COURT: Well, Ms. Dacus is counsel.

18 MR. CAWLEY: Counsel of record.

19 THE COURT: I'll excuse Ms. Williamson
20 for cause and deny the challenge as to Ms. Vrnak.

21 (Bench conference concluded.)

22 THE COURT: All right, Ladies and
23 Gentlemen. At this time I'm going to give you a recess
24 until 25 minutes after 11:00. Be about a 20-minute
25 break. So enjoy your recess.

1 I do need to give you one instruction.
2 Please do not discuss this case among yourselves or with
3 anyone else. There are a lot of interested parties
4 here. They will see your juror badge. They will
5 respect that. They won't be coming up and chatting with
6 you, and you please do likewise. But please don't even
7 discuss it among yourselves.

8 And those of you who are selected on the
9 jury, that's an instruction that I will give you each
10 day, and I'll have more to say about that later. But
11 for this break, just be sure and talk about, you know,
12 the weekend, golf, guitars, whatever, but please do not
13 discuss this case at this time.

14 So at this time, the jury panel is
15 excused. If you will exit through the back doors as
16 quickly and quietly as possible.

17 And if I can see the attorneys at the
18 bench again, please.

19 COURT SECURITY OFFICER: All rise.

20 (Jury Panel leaves the courtroom.)

21 (Bench conference.)

22 THE COURT: All right. According to me,
23 we should have 28 jurors; 3 for cause, 8 for the jury,
24 that leaves us with 17. So you will each get 8
25 peremptory strikes.

1 MR. CAWLEY: Okay.

2 MR. JONES: Your Honor, I would just make
3 one request. I am answering to seven different in-house
4 counsel. If you could give me as long as possible.

5 THE COURT: How long do you need?

6 MR. JONES: If I could get 30 minutes, it
7 would be wonderful. But whatever you need to do, I
8 understand. It's just a request.

9 THE COURT: Okay. How about 11:30?

10 MR. JONES: Thank you, sir. That's
11 perfect. Thank you.

12 (Bench conference concluded.)

13 THE COURT: All right. We'll be in
14 recess.

15 (Recess for strikes.)

16 COURT SECURITY OFFICER: All rise.

17 (Jury Panel in.)

18 THE COURT: Please be seated.

19 All right, Ladies and Gentlemen of the
20 Jury. If you'll pay attention, please. If your name is
21 called, if you will, please rise and come forward, and
22 the Court Security Officer will show you where to be
23 seated.

24 Ms. Ferguson, if you'll call the names of
25 the jury, please.

1 COURTROOM DEPUTY: Yes, Your Honor.

2 Juror No. 1, Donna Mangrum.

3 THE COURT: Ms. Mangrum.

4 COURTROOM DEPUTY: Juror No. 2, Cammie

5 Cameron. Juror No. 3, Deborah Speights. Juror No. 4,

6 Rebecca Travis. Juror No. 5, David Richardson.

7 Juror No. 6, Debbie Reyna. Juror No. 7, Cherie Kelley.

8 And Juror No. 8, Brenda Brown.

9 THE COURT: All right. Please raise your
10 right hand to be sworn.

11 (Jury sworn.)

12 THE COURT: Please be seated.

13 All right. Congratulations to you,

14 Ladies and Gentleman. You've got a lot of awfully

15 nice-looking ladies there to serve with you this week,

16 sir.

17 We're -- rather than starting into
18 anything further, we're going to go ahead and break for
19 lunch in just a moment.

20 And I've got good news for those of you
21 who are selected. The parties for both sides have
22 agreed to provide your lunch this week, as well as your
23 snacks. And so they'll be provided.

24 We normally do that when we try these
25 cases because it just makes it easier on the jury and

1 everybody else. We can take a shorter lunch break. We
2 have a lot of testimony we have to go through over the
3 coming days, and it works really well. And they do a
4 good job of giving you some variety, and I think you'll
5 enjoy the food.

6 If any of you have any dietary
7 restrictions, if you'll just write a note and give it to
8 the Court Security Officer, we'll try to get that taken
9 care of for you on future days.

10 Hopefully, there will be something
11 there -- I think we're having chicken spaghetti today
12 for you, so I hope that will work.

13 But during your lunch break, again,
14 please follow my instructions and do not discuss this
15 case among yourselves or with anyone else for that
16 matter.

17 The jury room is right through this door
18 over here, and you'll follow the Court Security Officer
19 there for lunch today.

20 There's also a doorway that opens out on
21 to the hallway. And when you come and go from the jury
22 room before court or during a break, if you want -- I
23 don't know if any of you are smokers; but if you want to
24 smoke, you're welcome to go outside.

25 But just use that side door and go out

1 through the hallway. And that's where you'll come in in
2 the mornings and where you'll leave from in the
3 evenings.

4 So are there any questions from any
5 members of the jury?

6 All right. Very well.

7 Well, again, let me thank not only you
8 for your service, but, again, all of you who came and
9 were not chosen for being here. This process would not
10 work without your presence as well.

11 So we're going to -- those of you who
12 were not selected, you are excused. You can turn in
13 your juror badges down -- downstairs or you're welcome
14 to come back and observe and stay, if you'd like to.

15 So if -- I don't believe there's anything
16 else.

17 Anything else from the Plaintiff or the
18 Defendant before we break for lunch?

19 MR. CAWLEY: No, Your Honor.

20 THE COURT: All right. Let me just tell
21 you what we'll do as soon as we come back from lunch.
22 I'll have some preliminary instructions to give you that
23 will take maybe 20 minutes, maybe a little longer, and
24 then we'll go right into opening statements by the
25 attorneys for both sides.