

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

DATE: July 9, 2009

JUDGE
LEONARD DAVIS

REPORTER:
Shea Sloan

LAW CLERK: Matt Acosta

<p>i4i Limited Partnership Plaintiff</p> <p>vs.</p> <p>Microsoft Corporation Defendant</p>	<p>CIVIL ACTION NO: 6:07cv113</p> <p>POST-VERDICT MOTION HEARING</p>
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ATTORNEY FOR PLAINTIFF	ATTORNEY FOR DEFENDANT
Gordon White (McKool Smith) Douglas Cawley (McKool) Kevin Burgess (McKool) John Campbell (McKool) Robert M. Parker (Parker, Bunt & Ainsworth) Chris Bunt (Parker)	Matt Powers (Weil) Kevin Kudlac (Weil) David Lender (Weil) Amber Rovner (Weil) Eric Findlay (Findlay & Craft)

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 9:30 am

ADJOURN: 12:45 pm

TIME:	MINUTES:
9:30am	Case called. Mr. White, Mr. Cawley, Mr. Parker, Mr. Bunt, Mr. Campbell, & Mr. Burgess announced ready for Plaintiff, i4i.
	Mr. Powers, Mr. Lender, Mr. Kudlac, Ms. Rovner & Mr. Findlay announced ready for Defendant, Microsoft.
	Court addressed the parties on the post-verdict motions. Court asked each side for a brief opening statement on the procedures for this morning.
	Mr. Cawley addressed the Court on the matters to be heard. Plaintiff has 2 categories – (1) injunction (Dkt #349, #364 & #370) and (2) willfulness (Dkt #345) and enhanced damages (Dkt #346).
	Mr. Powers addressed the Court on the matters to be heard, JMOL on indirect infringement (Dkt #347), Mtn New Trial (Dkt # 351) and Findings on Inequitable Conduct (Dkt #355 & #357).

DAVID J. MALAND, CLERK

FILED: 7.9.2009

BY: *Rosa L. Ferguson*, Courtroom Deputy

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TIME:	MINUTES:
	Court will start with the JMOLs for Defendants.
	Mr. Powers presented the Defendant's JMOL on Willfulness (Dkt #345) .
	Mr. Cawley responded.
	Mr. Powers responded.
	Mr. Cawley presented argument on enhanced damages (Motion for Entry of Judgment on the Jury Verdict and Request for Enhanced Damages and Attorney's Fees - Dkt #346). Mr. Cawley responded to Judge's request for suggested enhanced damages.
	Mr. Powers responded. Mr. Cawley responded.
	Court inquired of Mr. Powers what motion he would like to proceed with. Mr. Powers responded and would like to proceed with the indirect infringement (Dkt #347).
	Ms. Rovner presented Defendant's JMOL on Indirect Infringement and/or Alternative Motion for New Trial (Dkt #347) .
	Mr. Campbell responded.
	Court would like to hear some argument on Dkt #353, Motion for New Trial dealing with validity.
	Mr. Kudlac present Motion for New Trial on Invalidity (Dkt#353) .
	Mr. Burgess responded. Court inquired about a comparative check-off chart in evidence. Mr. Kudlac responded. Mr. Burgess responded. Mr. Kudlac further responded. Mr. Burgess further responded. Mr. Kudlac further responded. Mr. Burgess further responded.
11:05 am	Court in recess for 5 minutes.
11:15 am	Hearing resumed.
	Court asked to hear motions on inequitable conduct.
	Mr. Lender presented Defendant's Proposed Findings of Fact and Conclusions of Law on Inequitable Conduct (Dkt #355)
	Mr. White responded and presented Plaintiff's Proposed Findings of Fact and Conclusions of Law on Inequitable conduct (Dkt #357) .
	Mr. Lender responded. Mr. White further responded.
	Court will move on to the injunction issue.
	Mr. Powers asked that anyone not covered by the protective order in this case be removed from the courtroom. Court asked that any person not covered by the protective order please leave the courtroom. Several persons left the courtroom.

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TIME:	MINUTES:
	Mr. Cawley presented Plaintiff's Motion for Permanent Injunction or in the Alternative a Pre- and Post-Judgment Interest (Dkt #349) . Court inquired as to a ball-park figure as to how expensive this litigation has been thus far. Mr. Cawley responded and plaintiff has paid out of pocket \$10,000,000 and has an agreement with McKool for 20%. Mr. Powers did not have the numbers. Court asked Mr. Powers to provide that to the Court. Mr. Cawley continued his presentation to the Court.
	Mr. Powers responded. Mr. Cawley further responded.
	Court inquired from Microsoft as to any alternative post-verdict damages. Mr. Lender responded. Mr. Cawley responded.
	Court thanked the parties for excellent arguments and will get a ruling as soon as possible. Court inquired as to a resolution of this case. Mr. Cawley responded as to the post-trial mediation. Court asked parties to continue to work.
	Mr. Kudlac corrected a cite reference.
12:45 pm	There being nothing further, Court adjourned.