

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
Northern District of California

CIVIL MINUTES

Date: October 10, 2013 **Time:** 2 hrs, 24 mins **Judge:** WILLIAM H. ORRICK
8:00 a.m. to 10:24 a.m.

Case No.: [13-cv-00133-WHO](#) **Case Name:** United States Of America v. Bazaarvoice, Inc.

Attorneys for Plaintiff: Peter Huston, Michael Bonanno, Aaron Comenetz, John Tierney, Adam Severt, Lisa Scanlon, Travis R. Chapman, and Robert Lepore

Attorneys for Defendant: Jonathan Jacobson, Dominique Alepin, Dylan Liddiard, Andrea Murino, Scott Sher, Chul Pak, Boris Feldman, and Franklin M. Rubenstein

Deputy Clerk: Jean Davis

Court Reporters: Jo Ann Bryce and Kathy Sullivan

PROCEEDINGS

Twelfth day of bench trial, Thursday, October 10, 2013

8:00 a.m. Court in session
Government cross examination of witness Dr. Ramsey Shehadeh continues (Aaron Hoag)
Exhibit GX1252 identified
GX0120, GX0259, GX0293, GX0610, and GX0817 admitted without objection

8:10 a.m. Parties stipulate to strike Defense direct examination and responses of witness Dr. Ramsey Shehadeh at transcript page 1883, lines 8-20

8:11 a.m. Defense redirect of witness Dr. Ramsey Shehadeh (Jonathan Jacobson)
Exhibit GX0963 reviewed
Exhibit DX1902 identified
Exhibit GX0120 reviewed (previously admitted)
Exhibit DX1736 reviewed (previously admitted)

8:30 a.m. Government follow up (Aaron Hoag)
Exhibit GX0963 reviewed

8:34 a.m. Court queries witness Dr. Ramsey Shehadeh

8:37 a.m. Witness excused (Defense reserves the right to recall)

8:38 a.m. Defense housekeeping matters discussed (Chul Pak)
Deposition transcripts admitted without objection: DX1899 and DX1900

Defense exhibits associated with video depositions admitted without objections:
DX0947, DX0018, DX1875, DX1876, DX1877, DX1878, DX1883, DX1387.001, DX0718,
DX1857, DX1886, DX0429, DX1095, DX1901, DX1902, DX1897

Defense proposes filing post trial brief as scheduled 10/25/2013, but requests additional time to submit a hyperlinked version due to technical difficulties; granted.

Defense has identified 125 further exhibits which were not cited in original proposed finding of facts and were not presented via witness during the trial proceedings.

Defense seeks to incorporate these documents in post-trial briefing. Government objects to admission of these documents. Court sustains the objection and rules that only documents either previously stipulated or admitted in trial should be incorporated into post-trial briefings.

Government exhibit GX0866 admitted without objection

The Government moves to preserve its objection lodged prior to trial as to Defense Exhibit DX1400. Court to rule on this objection and all other objections lodged prior to trial before entry of a final order.

- 8:47 a.m. Government presents rebuttal case
Witness Carl Shapiro recalled, Government direct examination (Aaron Hoag)
Exhibit GX1040 identified
Exhibit GX1048 identified - deemed admitted per prior stipulation of parties
- 9:30 a.m. Court in recess
- 9:42 a.m. Court in session
Parties announce agreement striking specific references to in house
- 9:43 a.m. Defense cross examination of witness Carl Shapiro (Jonathan Jacobson)
- 10:02 a.m. Government waives redirect; witness excused
Government rebuttal complete; Government rests
Court in recess
- 10:12 a.m. Court in session
Witness Dr. Ramsey Shehadeh recalled; Defense direct examination (Jonathan Jacobson)
Exhibit DX1009 identified
Exhibit DX1417 identified
Exhibits DX1009 and DX1417 offered into evidence; Government objection to exhibits as part of the Defense's effort to enter exhibits en masse; overruled
Exhibit DX1901 identified and admitted without objection
- 10:21 a.m. Government cross examination of witness (Aaron Hoag)
Government moves to strike Exhibit DX1901 as not being part of expert's previously presented report; denied.
- 10:23 a.m. Defense rests
Parties discuss housekeeping matters
Court commends the parties on a well presented case
- 10:24 a.m. Court in Recess
Trial to resume Tuesday, October 15, 2013 at 10:00 a.m. (for closing arguments)