

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

CIVIL MINUTES

Date: October 1, 2013 **Time:** 5 hrs, 6 mins **Judge:** WILLIAM H. ORRICK
8:01 a.m. to 1:07 p.m.

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

Attorneys for Plaintiff: Peter Huston, Michael Bonanno, Adam Severt, Robert Lepore, Aaron Hoag, and David Gelfand

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

Deputy Clerk: Jean Davis **Court Reporters:** Jo Ann Bryce and Kathy Sullivan

PROCEEDINGS

Sixth day of bench trial, Tuesday, October 1, 2013

8:01 a.m. Court in session
Government makes motion to stay the proceedings in light of the government shutdown; denied.

8:01 a.m. Expert Witness Dr. Carl Shapiro recalled; Government direct examination continues (Aaron Hoag)
GX1078 identified - deemed admitted per prior stipulation of parties
GX1064 (not published due to confidentiality concerns) identified - deemed admitted per prior stipulation of parties
GX1057 identified - deemed admitted per prior stipulation of parties
GX1044 identified - deemed admitted per prior stipulation of parties
GX1047 identified - deemed admitted per prior stipulation of parties

8:47 a.m. Defense objects to testimony of expert as to post merger effects and price increases as new material constituting unfair surprise
Defense makes a motion to strike and argues in support of same

8:51 a.m. Government responds

8:51 a.m. Court takes the objection and motion to strike under advisement to be revisited at a later point and allows witness's testimony to continue.

8:52 a.m. Government direct examination of Expert Witness Carl Shapiro continues
GX1052 identified (not a stipulated exhibit)

9:29 a.m. Court in recess

9:39 a.m. Court in session
Parties announce agreement as to Defense objection and motion to strike; the parties agree to strike a portion of Dr. Shapiro's testimony provided on September 30, 2013 at page 918 of the transcript lines 5-7; Defense motion is withdrawn.

9:40 a.m. Government direct examination of Expert Witness Carl Shapiro continues
Government moves Exhibits GX1038, GX1034, GX1047, GX1052, GX1053, GX1057, GX1059, GX1062, GX1063, GX1064, and GX1074 into evidence without objection

9:47 a.m. Defense cross examination of Expert Witness Carl Shapiro (Jonathan Jacobson)
DX1875 identified (not a stipulated exhibit)
DX1876 identified (not a stipulated exhibit)
DX1877 identified (not a stipulated exhibit)
DX1878 identified (not a stipulated exhibit)
GX0984 identified - deemed admitted per prior stipulation of parties
DX1883 identified (not a stipulated exhibit)
DX1387 identified - deemed admitted per prior stipulation of parties

11:07 a.m. Court in recess

11:18 a.m. Court in session
Defense cross examination of Expert Witness Carl Shapiro continues
DX1387 identified - deemed admitted per prior stipulation of parties

11:50 a.m. Government redirect of Expert Witness Carl Shapiro

11:52 a.m. Defense follow up of Expert Witness Carl Shapiro

11:53 a.m. Government moves to enter into evidence Exhibits GX0222 and GX1148; no objections
Government rests as to its case in chief, reserving the right to present rebuttal
Parties clarify the understanding that written depositions are deemed admitted and incorporated as part of the record per parties' prior stipulation. Defense provides the Court with a list of live, video and written customer depositions (for use as an aid only, not evidentiary material)

11:57 a.m. Witness **Curtis Alan Godfrey** sworn; Defense direct examination (Chul Pak)
GX0718 identified (not a stipulated exhibit)
GX0720 identified (not a stipulated exhibit)
DX1857 identified (not a stipulated exhibit)
DX1886 identified (not a stipulated exhibit)

12:42 p.m. Government cross examination of Curtis Alan Godfrey (Michael Bonanno)
GX0494 identified (not a stipulated exhibit)

1:05 p.m. Defense redirect of Curtis Alan Godfrey (Chul Pak)

1:07 p.m. Court in recess
Trial to resume Wednesday, October 2, 2013 at 8:00 a.m.