1 IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
2 WACO DIVISION

3 CLOUDOFCHANGE, LLC * May 20, 2021
*
4 VS. * CIVIL ACTION NO. W-19-CV-513
*
5 NCR CORPORATION *

6 BEFORE THE HONORABLE ALAN D ALBRIGHT
JURY TRIAL PROCEEDINGS
7 Volume 4 of 4

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IPR2023-00287

1 (May 20, 2021 9:55 a.m.)
2 THE COURT: We told them if they weren't done by 10:00 to
3 let us know and we'd bring them lunch. That's all it says, is
4 we want lunch.
5 No news other than we had told them when we got here if
6 they wanted -- if they weren't going to be done by lunch to let
7 us know by 10:00 so we could bring them lunch. And they've
8 asked. It says, "We will need lunch menus." That's all it
9 says.
10 So they're deliberating. I've not gotten any substantive
11 notes. So...
12 (Recess taken from 9:56 to 10:02.)
13 THE COURT: Jury Note No. 4 reads, "May we have a
14 calculator for use?"
15 The answer to that is yes.
16 Do we have a calculator that we can get them?
17 (Off-the-record discussion.)
18 THE COURT: I don't know if we have one in the courthouse.
19 Can you go get it?
20 MS. CAMERON: Yes. Yes, Your Honor.
21 THE COURT: So for the record, the question is, "May we
22 have a calculator for use?"
23 My response is, "Yes. We will bring you one."
24 (Recess taken from 10:03 to 11:27.)
25 THE COURT: They say -- so the note reads, "We crossed

1 DTX-51 and DTX-52 that we don't recognize in the evidence list.
2 Are we allowed to view it? Don't recall it being shown in
3 courtroom."
4 Given that it was -- they both were admitted, I think --
5 what I'm going to say is "both DTX-51 and DTX-52 were admitted
6 into evidence."
7 MR. PHIPPS: Yes, sir.
8 THE COURT: Anyone have an objection to that?
9 MR. YATES: No, Your Honor.
10 MR. PHIPPS: No.
11 (Recess taken from 11:27 to 2:46.)
12 THE BAILIFF: All rise.
13 THE COURT: Please remain standing for the jury.
14 (The jury entered the courtroom at 2:46.)
15 THE COURT: Thank you. You may be seated.
16 Mr. Wright, it's my understanding that you all have a
17 verdict.
18 JURY FOREMAN: Yes, sir.
19 THE COURT: I probably shouldn't say this on the record,
20 but you are the first person I've ever seen who has worse
21 handwriting than I do.
22 (Laughter.)
23 THE COURT: But we were able -- took about seven of us,
24 but we finally were able to figure out what the signature was
25 on here. I'm kidding.

1 (Laughter.)
2 THE COURT: If you'd hand the verdict to my -- thank you
3 very much.
4 VERDICT
5 THE COURT: Question No. 1 and 2 question, Question No. 1
6 with regard to whether or not the plaintiff has proven by
7 preponderance of the evidence NCR has infringed the following
8 claims of the '640 patent, the following answers were given
9 with respect to Claim 1, yes; Claim 3, yes; Claim 4, yes; Claim
10 5, yes; Claim 6, yes; Claim 11, yes; Claim 12, yes; Claim 13,
11 yes.
12 With regard to Question 2, has CloudofChange proved by a
13 preponderance of the evidence that NCR had infringed the '012
14 patent with respect to Claim 1? The answer is yes; claim 2,
15 yes; claim 3, yes; Claim 4, yes.
16 With respect to Question No. 3, did the defendant prove
17 invalidity of the '640 patent? With respect to Claim 1, no;
18 Claim 1, no; Claim 4, no; claim 5, no; Claim 6, no; Claim 11,
19 no; Claim 12, no; Claim 13, no.
20 With respect to Question No. 4, did the defendant prove
21 the '012 patent to be invalid with respect to Claim 1, no;
22 Claim 2, no; Claim 3, no; Claim 4, no; Claim 9, no.
23 With respect to Question No. 5, what is the amount of
24 damages you find that plaintiff has proven from a preponderance
25 of the evidence for the infringement of the two patents? The

1 amount is $13,200,000.
2 With respect to Question 6, the answer is that this is a
3 lump sum.
4 With regard to Question No. 7, was the infringement
5 willful with regard to the '640 patent? The answer is yes.
6 With regard to the '012 patent, the answer is yes.
7 On the final page I have what I believe to be the
8 signature -- if I can read it -- of Mr. Wright.
9 What I'd like to happen now is for everyone who's seated
10 on the jury to stand, if you are in agreement with the verdict
11 as I just read it, please stand.
12 Let the record reflect that the verdict was unanimous.
13 You may be seated.
14 Ladies and gentlemen of the jury, I always get choked up
15 at this point. I think we have the greatest system of justice
16 in the world. And the reason we have the greatest system of
17 justice in the world is not because I'm sitting here, but it's
18 because the seven of you are sitting where you're seated.
19 It means in our country that if there's a dispute between
20 two different people or two different companies or whatever it
21 is, they can come into a court of law, they can put on their
22 case -- each can put on their case and have citizens of equal
23 demeanor resolve it. And that makes our country the greatest
24 country on the planet, period.
25 I'm going to ask you all -- this is entirely voluntarily.

1 I would like, if you would be willing, when you go back to the
2 jury room, to stay for a couple minutes. I'd like to come back
3 and thank you personally for your service. You don't have to
4 stay if you've got somewhere to be, but I'd like to come back
5 and just say thank you, if you are willing to stay.
6 What to do from now? This is America. If you want to
7 talk about your verdict, it's America. You get to talk about
8 it. If you don't want to talk about it, you don't have to talk
9 about it.
10 There are two groups of people, though, who don't get to
11 call you and talk to you about it or anyone who works for them,
12 and that's the folks seated at the table closest to you and the
13 folks seated at the table the furthest away. They have to get
14 permission from me to either directly or through their agents
15 contact you. And I can assure you in advance that will not
16 happen.
17 So one more thing. Your service, your jury service, is
18 concluded. It's not a lifetime pass, but, you know, I think
19 you all serve on six-month rotation is my understanding. You
20 will not be contacted again for jury service during the
21 six-month period.
22 If you are, and I guess it could happen by error, just let
23 whoever know that contacted you that I've given you -- I was
24 going to say a get out of jail free card. That doesn't sound
25 right. You do have a hall pass for this time because I think

1 you have done your duty and served for a full week as a jury.
2 And I think that's all we should be asking you to do.
3 Again, you're about to be dismissed, but if you're willing
4 to stay, I'd love to come back and thank you. If you'd rather
5 not be bothered, you're welcome to go ahead and leave. I'm not
6 going to keep you long if you do stay. I just want to say
7 thanks. So at this time the jury may be dismissed.
8 THE BAILIFF: All rise.
9 (Jury exited the courtroom at 2:52.)
10 THE COURT: Two administerial things real quick. One is,
11 we weren't able just back when we had it to read Jury Note NO.
12 4 which is simply where they asked for a calculator. So at
13 this time I'm going to put in the record that Jury Note No. 4,
14 which was received around 10:00 this morning, said, may we have
15 a calculator for use?
16 And Jury Note No. 6 reads, we have reached a verdict. And
17 that was a given to us at 2:34.
18 I can tell you all -- I will tell you all I have sat in
19 both of your seats. I've sat at both tables a lot. I've been
20 on the side that's successful. I've been on the side that was
21 unsuccessful. And that's what happens if you go to trial.
22 But I want to thank all of you for your hard work. I
23 thought you each did -- all of you collectively did a great job
24 putting on witnesses. Your examinations I thought were top
25 rate. Everything you did I thought was very good which in the

1 end the jury's going to pick the side that they picked. But I
2 wanted everyone to know that I appreciate your hard work this
3 week.
4 And before we go, Mr. Barr, is there anything else we need
5 to take up?
6 MR. BARR: No, Your Honor.
7 THE COURT: Mr. Phipps?
8 MR. PHIPPS: No, Your Honor.
9 THE COURT: Okay. Thank you again for your hard work this
10 week.
11 THE BAILIFF: All rise.
12 (Hearing adjourned at 2:54 p.m.)
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1 UNITED STATES DISTRICT COURT)
2 WESTERN DISTRICT OF TEXAS)
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4 I, Kristie M. Davis, Official Court Reporter for the
5 United States District Court, Western District of Texas, do
6 certify that the foregoing is a correct transcript from the
7 record of proceedings in the above-entitled matter.
8 I certify that the transcript fees and format comply with
9 those prescribed by the Court and Judicial Conference of the
10 United States.
11 Certified to by me this 8th day of June 2021.
12
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