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- VOLUME F -

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF DELAWARE

- - -

|                           |   |                  |
|---------------------------|---|------------------|
| BELDEN TECHNOLOGIES, INC. | : | CIVIL ACTION     |
| and BELDEN CDT (CANADA)   | : |                  |
| INC.,                     | : |                  |
|                           | : |                  |
| Plaintiffs,               | : |                  |
|                           | : |                  |
| vs.                       | : |                  |
|                           | : |                  |
| SUPERIOR ESSEX INC. and   | : |                  |
| SUPERIOR ESSEX            | : |                  |
| COMMUNICATIONS LP,        | : |                  |
|                           | : |                  |
| Defendants.               | : | NO. 08-063 (SLR) |

- - -

Wilmington, Delaware  
Tuesday, September 14, 2010  
8:00 o'clock, a.m.

- - -

BEFORE: HONORABLE SUE L. ROBINSON, U.S.D.C.J., and a jury

- - -

Valerie J. Gunning  
Kevin Maurer  
Official Court Reporters

**CommScope v. Belden**  
**IPR2023-01061, -01062**  
**CommScope Ex. 1066**

1 APPEARANCES:

2  
3 YOUNG, CONAWAY, STARGATT & TAYLOR LLP  
4 BY: ADAM W. POFF, ESQ. and  
5 PILAR W. KRAMAN, ESQ.

6  
7 -and-

8 FOLEY & LARDNER LLP  
9 BY: MATTHEW B. LOWRIE, ESQ.,  
10 MARC N. HENSCHKE, ESQ., and  
11 MICHELLE A. FLORES, ESQ.  
12 (Boston, Massachusetts)

13  
14 Counsel for Plaintiffs

15 RICHARDS, LAYTON & FINGER  
16 BY: ANNE SHEA GAZA, ESQ. and  
17 JEFFREY L. MOYER, ESQ.

18  
19 -and-

20 KING & SPALDING LLP  
21 BY: HOLMES J. HAWKINS III, ESQ.  
22 NATASHA H. MOFFITT, ESQ.,  
23 RUSSELL E. BLYTHE, ESQ. and  
24 JAMES J. MAYBERRY, ESQ.  
25 (Atlanta, Georgia)

Counsel for Defendants

- - -

1 MR. LOWRIE: Yes.

2 THE COURT: Let's bring the jury in.

3 MR. LOWRIE: Your Honor, I apologize.

4 MR. HENSCHKE: Your Honor, we had one  
5 housekeeping matter. I needed to formally move to admit  
6 JTX-9 into evidence. There was some confusion during the  
7 testimony about what the right number was for it.

8 THE COURT: Let's before bring the jury in.

9 MR. LOWRIE: We had made a proffer on the  
10 reexam. I think Your Honor said, no it couldn't come in.  
11 When we looked at the transcript, Your Honor didn't actually  
12 say that. So we need the ruling.

13 THE COURT: The ruling is, no, it can't come in,  
14 the reexamination. Thank you very much.

15 (Jury enters courtroom at 1:37 p.m.)

16 THE COURT: Counsel, you can fill me in on what  
17 we are doing now.

18 MR. LOWRIE: Your Honor, Belden would move  
19 JTX-09, which was referred to in the testimony.

20 THE COURT: I understand there is no objection.

21 MR. HAWKINS: No objection, Your Honor.

22 (Joint Exhibit No. 09 was received in evidence.)

23 THE COURT: All right.

24 MR. LOWRIE: There is a stipulation between the  
25 parties that we would move into evidence, JTX-397.

1 MR. HAWKINS: No objection.

2 MR. LOWRIE: With that, Belden rests.

3 THE COURT: Anything further from Superior  
4 Essex?

5 MR. HAWKINS: No, Your Honor.

6 THE COURT: Members of the jury, that means the  
7 record is closed. In other words in order for us to get  
8 ready for closing arguments and finish up jury instructions,  
9 we are going to excuse you early today. We will ask you to  
10 be back tomorrow at 9:30. We will go right into closing  
11 arguments and you will be instructed on the case tomorrow,  
12 late morning, early afternoon.

13 So you are excused.

14 Even though the presentation of evidence is  
15 done, you are still not to discuss the case with anyone  
16 else. Don't read anything touching on the case or perform  
17 any independent investigation. Have a safe ride home, and  
18 we will see you tomorrow morning at 9:30.

19 (Jury leaves courtroom at 12:39 p.m.)

20 THE COURT: My law clerk is working on a few  
21 minor edits to my final draft for you to review. If you  
22 give us 15 minutes, I will be back. I will give you another  
23 15 minutes or so to review it. Then, hopefully, we will be  
24 back and ready to review this by 1:15 or so. Thank you very  
25 much.