

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

Case No. 4:11CV374 AGF

JURY Trial NON JURY Trial Day # 5 Date 2/15/2013

Presiding Judicial Official Honorable Aubrey H. Fleiszig

Court Reporter Patti Dana Weche Deputy Clerk P. L. L...

Case Style ABT Systems, LLC vs. Emerson Electric Co.

Attorney(s) for Plaintiff(s) Michael Pugno, Dana Alvarado

Attorney(s) for Defendant(s) Linda Hansen, Kacie Jelencich, Jeffrey Contabon

- Jury empaneled and sworn Opening Statement(s) of Plaintiff Defendant made.
- Plaintiff evidence commenced resumed and but not concluded.
- Defendant evidence commenced resumed and but not concluded.
- Plaintiff evidence in rebuttal commenced resumed and but not concluded.
- Defendant evidence in surrebuttal commenced resumed and but not concluded.

Motions made during trial and the ruling: _____

- Closing Arguments of counsel made.
- Jury charged and retires to consider its verdict(s). (**Note:** Enter jury deliberation time below)
- Case taken under advisement.
- Jury having been given a special verdict in the form of written interrogatories for finding of fact, together with forms from general verdict retires to consider its verdict(s).
- Verdict returned (See verdict form.) **Jury polled on motion of the** _____
- Jury unable to agree upon its verdict(s) by _____ am/pm is excused to resume deliberations on _____ at _____ am/pm
- Judgment is entered accordingly this date.
- Depositions Exhibits receipt signed and filed / Court to retain Depositions Exhibits
- Proceedings to resume on 2/19/2013 at 9:00 am

Other: The Court and the parties discuss the defendant's Motion for Judgment as a Matter of Law on marking, damages and proof of infringement of dependent claims. The Court agrees that the defendant is entitled to a Judgment as a Matter of Law with respect to Marking. The Court denies the defendant's Motion with respect to Damages and dependent claims.

Jury Deliberations Commenced _____ Concluded _____

Proceedings: Commenced 9:03 am Concluded 11:54 am
Commenced 1:05 pm Concluded 5:02 pm