

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIACase No: **CR 03-0095 WBS** Case Name: **UNITED STATES OF AMERICA v. AMR MOHSEN**
JURY TRIAL LOG SHEET

DISTRICT JUDGE WILLIAM B. SHUBB	PLAINTIFF ATTORNEY: Robin Harris, Kyle Waldinger	DEFENSE ATTORNEY: John Balazs, Bruce Locke
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TRIAL DATE:
January 31, 2006 (Expected 10
weeks length)**REPORTER(S):**
Sahar McVickar; Belle Ball (days 9
and 10); Leo Mankiewicz (day 17)**CLERK:**
Edward Butler

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		<u>2.06.06</u>			<u>Trial to Jury, Day Three [of Phase One, Counts One-20]</u>	
					<u>[Jury selection on Days One and Two, Jan. 31 - Feb. 1, 2006]</u>	
					<u>8:38 a.m. Court in session.</u>	
					<u>Government's opening statement (Ms. Harris).</u>	
					<u>9:06 a.m. Defense's opening statement (Mr. Locke).</u>	
					<u>9:34 a.m. Court in recess.</u>	
					<u>9:44 a.m. Court in session - jury present.</u>	
					<u>Government witness Jeffrey Miller (sworn).</u>	
<u>1</u>		<u>2.06.06</u>	<u>x</u>	<u>x</u>	<u>Patent Infringement Lawsuit Complaint</u>	<u>Pl.</u>
<u>2</u>			<u>x</u>	<u>x</u>	<u>Patent Local Rules</u>	<u>Pl.</u>
<u>3</u>			<u>x</u>	<u>x</u>	<u>Aptix and Meta's Initial Disclosure of Asserted Claims</u>	<u>Pl.</u>
<u>4</u>			<u>x</u>	<u>x</u>	<u>Engineering Notebook 1989 (copy)</u>	<u>Pl.</u>
<u>5</u>			<u>x</u>	<u>x</u>	<u>Supplemental Initial Disclosure</u>	<u>Pl.</u>
<u>6</u>			<u>x</u>	<u>x</u>	<u>Engineering Notebook 1988 (copy)</u>	<u>Pl.</u>
<u>7</u>			<u>x</u>	<u>x</u>	<u>Skjerven document</u>	<u>Pl.</u>
<u>8</u>			<u>x</u>	<u>x</u>	<u>Aptix and Meta Responses to Interrogs.</u>	<u>Pl.</u>
<u>9</u>			<u>x</u>	<u>x</u>	<u>Verification for Responses to Interrogs.</u>	<u>Pl.</u>
					<u>10:50 a.m.- Court in recess.</u>	
					<u>11:03 a.m.- Court in session - jury present</u>	
					<u>Continue direct examination of witness Miller.</u>	

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<u>10</u>			<u>x</u>	<u>x</u>	<u>Correspondence from Edwin Wheeler to Jim Brooks 8/24/98</u>	<u>Pl.</u>
<u>11</u>			<u>x</u>	<u>x</u>	<u>Correspondence from Jeffrey Miller to E. Wheeler 8/26/98</u>	<u>Pl.</u>
<u>12</u>			<u>x</u>	<u>x</u>	<u>Correspondence from Edwin Wheeler 8/27/98</u>	<u>Pl.</u>
<u>13</u>			<u>x</u>	<u>x</u>	<u>Correspondence J. Miller to E. Wheeler 9/13/98</u>	<u>Pl.</u>
<u>14</u>			<u>x</u>	<u>x</u>	<u>Correspondence from E. Wheeler to J. Brooks 9/25/98</u>	<u>Pl.</u>
<u>15</u>			<u>x</u>	<u>x</u>	<u>Correspondence from J. Miller to E. Wheeler 9/28/98</u>	<u>Pl.</u>
<u>16</u>			<u>x</u>	<u>x</u>	<u>Correspondence from Edwin Wheeler to J. Miller 10/5/98</u>	<u>Pl.</u>
<u>17</u>			<u>x</u>	<u>x</u>	<u>Quickturn's Motion to Compel</u>	<u>Pl.</u>
<u>18</u>			<u>x</u>	<u>x</u>	<u>Aptix's Response to Motion to Compel</u>	<u>Pl.</u>
<u>19</u>			<u>x</u>	<u>x</u>	<u>Corresp. From Robert Taylor of Aptix to J. Brooks, 12/17/98</u>	<u>Pl.</u>
					<u>12:05 p.m. Court in recess.</u>	
					<u>1:31 p.m. Court in session - jury present.</u>	
					<u>Continue direct examination of witness Miller.</u>	
<u>20</u>			<u>x</u>	<u>x</u>	<u>Corresp. from Howrey & Simon to J. Miller, 4/2/99</u>	<u>Pl.</u>
<u>21</u>			<u>x</u>	<u>x</u>	<u>Copy of 1988 Notebook from Aly Mohsen</u>	<u>Pl.</u>
<u>22</u>			<u>x</u>	<u>x</u>	<u>Corresp from J. Miller to Eric Moller 4/28/99</u>	<u>Pl.</u>
<u>23</u>			<u>x</u>	<u>x</u>	<u>Corresp from Homa Davary to J. Miller 4/29/99</u>	<u>Pl.</u>
<u>24</u>			<u>x</u>	<u>x</u>	<u>Amr. Mohsen's Daytimer</u>	<u>Pl.</u>
<u>25</u>			<u>x</u>	<u>x</u>	<u>Transcript of J. Alsup Case Management Conference</u>	<u>Pl.</u>
<u>26</u>			<u>x</u>	<u>x</u>	<u>Corresp from J. Miller to Eric Moller 9/23/99</u>	<u>Pl.</u>
<u>27</u>			<u>x</u>	<u>x</u>	<u>Corresp from E. Moller to Craig Neugeboren 11/23/99</u>	<u>Pl.</u>
<u>28</u>			<u>x</u>	<u>x</u>	<u>Corresp from E. Moller to Craig Neugeboren 11/23/99</u>	<u>Pl.</u>
<u>29</u>			<u>x</u>	<u>x</u>	<u>Note of Amr Mohsen Meeting with Keith Lobo</u>	<u>Pl.</u>
<u>30</u>			<u>x</u>	<u>x</u>	<u>Corresp from R. Taylor to J. Brooks, 1/24/00</u>	<u>Pl.</u>

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<u>31</u>			<u>x</u>	<u>x</u>	<u>FL Envelope</u>	<u>Pl.</u>
<u>32</u>			<u>x</u>	<u>x</u>	<u>Contents of FL Envelope</u>	<u>Pl.</u>
<u>33-A</u>			<u>x</u>	<u>x</u>	<u>Expert Report of Michael Wagner</u>	<u>Pl.</u>
<u>33-C</u>			<u>x</u>	<u>x</u>	<u>Time line chart of witness Miller</u>	<u>Pl.</u>
<u>33-B</u>			<u>x</u>	<u>x</u>	<u>Motion to Invalidate '069 Patent</u>	<u>Pl.</u>
					<u>Court gives limiting instruction re: Ex. 33 -B</u>	
					<u>2:40 p.m. Court in recess</u>	
					<u>3:03 p.m. Court in session - jury present.</u>	
					<u>Cross examination of Govt.'s witness Miller (Mr. Locke).</u>	
	<u>F</u>		<u>x</u>	<u>x</u>	<u>Quickturn's Supplemental Response to Claims</u>	<u>Def.</u>
	<u>P</u>		<u>x</u>	<u>x</u>	<u>Quickturn's Prior Art Defenses</u>	<u>Def.</u>
	<u>Q</u>		<u>x</u>	<u>x</u>	<u>Notebook page from M. Butts' Notebook showing Prior Art Defense</u>	<u>Def.</u>
	<u>Z</u>		<u>x</u>	<u>x</u>	<u>M. Butts' Drawing with 1998 Patent Application</u>	<u>Def.</u>
	<u>-1</u>		<u>x</u>		<u>J. Alsup's Ruling re: Markman Hearing</u>	<u>Def.</u>
					<u>3:58 p.m. Redirect exam of witness Miller.</u>	
<u>33-C</u>			<u>x</u>	<u>x</u>		
	<u>Q</u>		<u>x</u>	<u>x</u>		
					<u>4:04 p.m. Jury exits the courtroom. Court handles miscellaneous matters.</u>	

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		<u>2/07/06</u>			<u>TRIAL TO JURY - DAY FOUR</u>	
					<u>8:42 a.m. Court in session - jury present</u>	
					<u>8:42 a.m. Government witness Robert Kuranz (sworn).</u>	
					<u>Direct examination (Mr. Waldinger).</u>	
<u>35</u>		<u>2/07/06</u>	<u>x</u>	<u>x</u>	<u>Robert Kuranz's File re: Amr Mohsen</u>	<u>Pl.</u>
<u>37</u>			<u>x</u>		<u>Photocopies of Notebook Pages</u>	<u>Pl.</u>
					<u>9:54 a.m Cross Examination of witness Kuranz (Mr. Locke).</u>	
					<u>9:56 a.m. Court in recess.</u>	
					<u>10:17 a.m. Court in session - jury present.</u>	
					<u>10:17 a.m. Government witness David Moore (sworn).</u>	
					<u>Direct examination of witness Moore (Ms. Harris).</u>	
					<u>10:31 a.m. Defendant identified in the courtroom by witness Moore.</u>	
<u>36</u>			<u>x</u>	<u>x</u>	<u>Moore's File re: Amr Mohsen</u>	<u>Pl.</u>
<u>37</u>			<u>x</u>	<u>x</u>	<u>Color copy of photocopy of Moore's notes of 1988 Notebook</u>	<u>Pl.</u>
<u>38</u>			<u>x</u>	<u>x</u>	<u>Original Color Copy of 1988 Notebook</u>	<u>Pl.</u>
					<u>11:06 a.m. Jury exits courtroom (technical difficulties).</u>	
					<u>11:16 a.m. Jury enters the courtroom.</u>	

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		<u>2/07/06</u>			<u>TRIAL TO JURY - DAY FOUR (Continued)</u>	
					<u>Continue direct exam. of witness Moore.</u>	
					<u>Continue with Exhibit 38</u>	
					<u>12:00 p.m. Court in recess.</u>	
					<u>1:43 p.m. Court in session - jury present</u>	
					<u>Continue direct exam. of witness Moore.</u>	
<u>38</u>			<u>x</u>	<u>x</u>	<u>Continue with Exhibit 38</u>	<u>Plf.</u>
<u>36</u>			<u>x</u>	<u>x</u>	<u>Moore's File</u>	<u>Plf.</u>
<u>39</u>			<u>x</u>	<u>x</u>	<u>Copy of Notebook Cover</u>	<u>Plf.</u>
<u>40</u>			<u>x</u>	<u>x</u>	<u>Article re: Dating Photocopies</u>	<u>Pl.</u>
<u>41</u>			<u>x</u>	<u>x</u>	<u>FedEx Cover Label</u>	<u>Pl.</u>
<u>42</u>			<u>x</u>	<u>x</u>	<u>Moore copy of Mohsen Daytimer</u>	<u>Pl.</u>
<u>43</u>			<u>x</u>	<u>x</u>	<u>FedEx Receipt 3/4/99</u>	<u>Pl.</u>
<u>44</u>			<u>x</u>	<u>x</u>	<u>Microfilm Copy of Check from Amr Mohsen</u>	<u>Pl.</u>
<u>45</u>			<u>x</u>	<u>x</u>	<u>Envelope Containing Check</u>	<u>Pl.</u>
<u>46</u>			<u>x</u>	<u>x</u>	<u>FedEx Receipt 3/1/00</u>	<u>Pl.</u>
<u>47</u>			<u>x</u>	<u>x</u>	<u>Moore Notes</u>	<u>Pl.</u>
<u>48</u>			<u>x</u>	<u>x</u>	<u>FedEx Receipt Air bill 3/2/00</u>	<u>Pl.</u>
<u>49</u>			<u>x</u>	<u>x</u>	<u>\$131.00 Check</u>	<u>Pl.</u>
<u>50</u>			<u>x</u>	<u>x</u>	<u>Envelope Containing \$131.00 Check</u>	<u>Pl.</u>
<u>42</u>			<u>x</u>	<u>x</u>	<u>Moore Copy of Mohsen Daytimer</u>	
<u>24</u>			<u>x</u>	<u>x</u>	<u>Mohsen Daytimer</u>	
					<u>2:55 p.m. Government Witness Alma Carrillo (sworn)</u>	

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		<u>02/07/06</u>			<u>TRIAL TO JURY - DAY FOUR (Continued)</u>	
					<u>Direct examination (Mr. Waldinger)</u>	
					<u>Continue direct examination of witness Carrillo</u>	
<u>52</u>		<u>2/07/06</u>	<u>x</u>	<u>x</u>	<u>San Jose Police Department Dispatcher Report</u>	<u>Pl.</u>
					<u>3:14 p.m. Court in recess.</u>	
					<u>3:34 p.m. Court in session - jury not present. The parties discuss their stipulation regarding allowing a transcript into evidence.</u>	
					<u>3:37 p.m. Jury enters the courtroom. The court reads the stipulation concerning the transcript of the interview of Andy Piatnicia with Amr Mohsen into evidence.</u>	
					<u>Stipulation of the parties re: Tape recording.</u>	
<u>53</u>			<u>x</u>	<u>x</u>	<u>Computer disk containing transcript of the interview of Andy Piatnicia with Amr Mohsen.</u>	
<u>53</u> <u>A</u>			<u>x</u>	<u>x</u>	<u>Transcript of the interview of Andy Piatnicia with Amr Mohsen</u>	
					<u>4:25 p.m. Jury exits the courtroom after being given evening instructions. Court handles miscellaneous matters.</u>	
					<u>4:50 p.m. Court in recess.</u>	
		<u>2/08/06</u>			<u>TRIAL TO JURY - DAY FIVE</u>	
					<u>8:34 a.m. Court in session - jury present</u>	
					<u>Government witness Kathy Faupel (sworn).</u>	
					<u>Direct examination (Mr. Waldinger).</u>	

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		<u>2/08/06</u>			<u>TRIAL TO JURY , DAY FIVE (Continued)</u>	
<u>53</u>			<u>x</u>	<u>x</u>	<u>Continue playback of Exhibit 53, electronic recording of interview of Amr Mohsen by Andy Piatnicia</u>	<u>Pl.</u>
<u>53 A</u>			<u>x</u>	<u>x</u>	<u>Continue synchronized display of transcript with playback of Exhibit 53</u>	<u>Pl.</u>
					<u>9:14 a.m. Government witness Dr. Antonio Cantu (sworn).</u>	<u>Pl.</u>
					<u>Direct examination (Mr. Waldinger)</u>	
					<u>Dr. Cantu is admitted as an expert in the field of ink and paper analysis</u>	
<u>24</u>			<u>x</u>	<u>x</u>	<u>Mohsen Daytimer</u>	<u>Pl.</u>
<u>32</u>			<u>x</u>	<u>x</u>	<u>Contents of FL Envelope</u>	<u>Pl.</u>
<u>63</u>			<u>x</u>	<u>x</u>	<u>Photos of Dr. Cantu's Analysis</u>	
					<u>9:51 a.m. Court in recess</u>	
					<u>10:13 a.m. Court in session - jury not present. Discussion re: use of depositions as evidence, the parties stipulation regarding video deposition evidence.</u>	
					<u>10:16 a.m. Jury enters. Court instructs the jury re: the playback of depositions, and reads the parties the Stipulation regarding the video depositions.</u>	
<u>53</u>			<u>x</u>		<u>Continue playback of Exhibit 53, electronic recording with transcripts synched with video deposition (of Amr Mohsen).</u>	<u>Pl.</u>
					<u>10:49 a.m. Court in recess (technical difficulties).</u>	
					<u>11:00 a.m. Court in session - jury present.</u>	
					<u>Continue video deposition exhibit playback (of Amr Mohsen).</u>	
					<u>11:44 a.m. Court in recess until 1:30 p.m.</u>	

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		<u>2/08/06</u>			<u>JURY TRIAL, DAY FIVE (Continued)</u>	
					<u>1:40 p.m. Court in session - jury present.</u>	
					<u>Continue video deposition playback (of Amr Mohsen).</u>	
					<u>3:00 p.m. Court in recess.</u>	
					<u>3:22 p.m. Court in session - jury present [the court notes that Mr. Locke will not appear for the remainder of the day due to illness].</u>	
					<u>Continue video deposition playback (of co-defendant Aly Mohsen).</u>	
					<u>4:26 p.m. Jury exits the courtroom after being given weekend instructions. Court to re-convene Mon., 2/13/06 at 8:30 a.m.</u>	
		<u>2/13/06</u>			<u>TRIAL TO JURY - DAY SIX</u>	
					<u>8:37 a.m. Court in Session - Jury Present</u>	
					<u>Government witness Sandra Bogdanovich (sworn).</u>	
					<u>Direct examination (Mr. Waldinger).</u>	
<u>56</u>			<u>x</u>	<u>x</u>	<u>Avery-Dennison 43648 Computation Notebook</u>	<u>Pl.</u>
<u>54</u>			<u>x</u>	<u>x</u>	<u>Photocopy of Fax from Dion Label Printing</u>	<u>Pl.</u>
<u>55</u>			<u>x</u>	<u>x</u>	<u>S. Bogdanovich 3/30/95 Memo to Dion Fax</u>	<u>Pl.</u>

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		<u>2/13/06</u>			<u>TRIAL TO JURY - DAY SIX (Continued)</u>	
					<u>8:58 a.m. Government witness George Coppez (sworn).</u>	
					<u>Direct examination (Mr. Waldinger).</u>	
<u>56</u>			<u>x</u>	<u>x</u>	<u>43-648 Notebook</u>	<u>Pl.</u>
<u>57</u>			<u>x</u>	<u>x</u>	<u>Printout of Changes to Avery Products</u>	<u>Pl.</u>
<u>38</u>		<u>2/7/06</u>	<u>x</u>		<u>Mohsen Notebook</u>	<u>Pl.</u>
					<u>9:15 a.m. Government witness Michael Hough (sworn).</u>	
					<u>Direct examination (Mr. Waldinger).</u>	
<u>56</u>			<u>x</u>	<u>x</u>	<u>43-648 Notebook</u>	<u>Pl.</u>
<u>58</u>			<u>x</u>	<u>x</u>	<u>Pre-1995 Computation Notebook Label</u>	<u>Pl.</u>
<u>55</u>			<u>x</u>	<u>x</u>	<u>S. Bogdanovich Memo</u>	<u>Pl.</u>
					<u>9:35 a.m. Government witness Nadia Nettleton (sworn).</u>	
					<u>Direct examination (Mr. Waldinger).</u>	
<u>38</u>		<u>2/07/06</u>	<u>x</u>	<u>x</u>	<u>Pages from Mohsen Notebook</u>	
					<u>9:45 a.m. Cross examination (Mr. Balazs).</u>	
					<u>Re-direct examination (Mr. Waldinger).</u>	
					<u>9:48 a.m. Government witness J. P. Kesan (sworn).</u>	
					<u>Direct examination (Ms. Harris).</u>	

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		<u>2/13/06</u>			<u>TRIAL TO JURY - DAY SIX (Continued)</u>	
					<u>Witness Kesan offered, and admitted, as expert in the field of engineering documentation during the patent process.</u>	
					<u>10:12 a.m. Court in recess.</u>	
					<u>10:35 a.m. Court in session - jury present.</u>	
					<u>Continue direct exam of witness Kesan (Ms. Harris).</u>	
<u>33</u> <u>C</u>		<u>2/06/06</u>	<u>x</u>	<u>x</u>	<u>Miller's Hand-drawn Timeline</u>	<u>Pl.</u>
					<u>10:52 a.m Cross-examination of witness Kesan (Mr.Locke).</u>	
<u>33</u> <u>C</u>		<u>2/06/06</u>	<u>x</u>	<u>x</u>	<u>Miller's Hand-drawn Timeline</u>	<u>Pl.</u>
	<u>N</u>		<u>x</u>		<u>Final Ruling After Claim Construction Hearing</u>	<u>Def.</u>
					<u>11:30 a.m. Re-direct exam of witness Kesan (Ms. Harris).</u>	
					<u>11:32 a.m. Re-cross exam of witness Kesan (Mr. Locke).</u>	
					<u>11:37 a.m. Government witness Laura Weigel (sworn).</u>	
					<u>Direct examination (Ms. Harris).</u>	
<u>67</u>			<u>x</u>	<u>x</u>	<u>Order Setting Conditions of Release</u>	<u>Pl.</u>

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		<u>2/13/06</u>			<u>TRIAL TO JURY - DAY SIX (Continued)</u>	
<u>67</u> <u>A</u>			<u>x</u>	<u>x</u>	<u>Map of California</u>	<u>Pl.</u>
<u>68</u>			<u>x</u>	<u>x</u>	<u>Pretrial Release reporting Instructions</u>	<u>Pl.</u>
<u>69</u>			<u>x</u>	<u>x</u>	<u>Order Modifying Bond Conditions</u>	<u>Pl.</u>
<u>69</u> <u>A</u>			<u>x</u>	<u>x</u>	<u>Pretrial Release reporting Instructions with Travel Limitation</u>	<u>Pl.</u>
<u>70</u>			<u>x</u>	<u>x</u>	<u>Laura Weigel Corresp. To Amr Mohsen</u>	<u>Pl.</u>
<u>71</u> <u>A</u>			<u>x</u>	<u>x</u>	<u>Fax from Amr Mohsen to Laura Weigel</u>	<u>Pl.</u>
<u>71</u> <u>B</u>			<u>x</u>	<u>x</u>	<u>Fax from Amr Mohsen to Laura Weigel, 3/19/04</u>	<u>Pl.</u>
<u>71</u> <u>C</u>			<u>x</u>	<u>x</u>	<u>Fax from Amr Mohsen to Laura Weigel, 3/22/04</u>	<u>Pl.</u>
					<u>12:13 p.m. Court in recess.</u>	
					<u>1:31 p.m. Court in session -jury not present.</u>	
					<u>Discussion re: Examination Questions of Following Witness re: Defendant's Travel Plans</u>	
					<u>1:39 p.m. Jury enters courtroom. Cross -examination of witness Weigel (Mr. Balazs).</u>	<u>Pl.</u>
<u>71</u> <u>A</u>			<u>x</u>	<u>x</u>	<u>Fax - Amr Mohsen to L. Weigel</u>	<u>Pl.</u>
<u>71</u> <u>B</u>			<u>x</u>	<u>x</u>	<u>Fax - Amr Mohsen to L. Weigel</u>	<u>Pl.</u>
<u>71</u> <u>C</u>			<u>x</u>	<u>x</u>	<u>Fax - Amr Mohsen to L. Weigel</u>	<u>Pl.</u>
<u>68</u>			<u>x</u>	<u>x</u>	<u>Pretrial Release Reporting Instructions</u>	<u>Pl.</u>

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		<u>2/13/06</u>			<u>TRIAL TO JURY - DAY SIX (Continued)</u>	
<u>69</u> <u>A</u>			<u>x</u>	<u>x</u>	<u>Pretrial Release Reporting Instructions</u>	
					<u>1:44 p.m. Government Witness Joel Moss (sworn)</u>	
					<u>Direct examination (Ms. Harris).</u>	
<u>72</u> <u>A</u>			<u>x</u>	<u>x</u>	<u>March 2004 Calendar</u>	<u>Pl.</u>
					<u>Stipulations Read Into the Record re: Telephone Records</u>	
					<u>2:10 p.m. Jury exits courtroom while parties discuss question re: international agreements.</u>	
					<u>2:16 p.m. Jury enters courtroom.</u>	
					<u>2:19 p.m. Cross-examination of witness Moss (Mr. Balazs).</u>	
					<u>2:25 p.m. Government witness Jason Richards (sworn).</u>	
					<u>Direct examination (Mr. Waldinger).</u>	
<u>79</u>			<u>x</u>	<u>x</u>	<u>Diagram of Faz Restaurant at Sheraton Sunnyvale</u>	
					<u>Witness identifies the defendant in the courtroom.</u>	
<u>80</u>			<u>x</u>		<u>Photographs of Faz Restaurant</u>	
					<u>2:51 p.m. Cross-examination (Mr. Balazs).</u>	
					<u>2:54 p.m. Jurors excused from the courtroom and from trial for the evening after being given evening recess instructions.</u>	
					<u>Court in recess.</u>	

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		<u>2/13/06</u>			<u>TRIAL TO JURY - DAY SIX (Continued)</u>	
					<u>3:12 p.m. Court in session.</u>	
					<u>Parties discuss the remaining trial schedule. The Govt. expects to finish their case Wednesday, 2/15/06. Defense will require an expected one day, therefore closing arguments on Phase 1 may occur on Wednesday 2/23/06.</u> <u>Preliminary discussion re: jury instructions on materiality.</u>	
					<u>Parties are directed to provide a full set of jury instructions in electronic and paper format by end Wed. 2/15/06.</u>	
					<u>4:01 p.m. Court in recess.</u>	
		<u>2/14/06</u>			<u>TRIAL TO JURY - DAY SEVEN</u>	
					<u>8:32 a.m. Court in Session - Jury Not Present</u>	
					<u>Discussion re: Government's ex parte application. The court will sign an order attached, but it will not be filed until necessary, and when filed, will be filed NOT under seal.</u>	
					<u>8:44 a.m. Jury enters the courtroom.</u>	
					<u>Court reads 2 factual stipulations to the jury.</u>	
<u>51</u>		<u>2/14/06</u>	<u>x</u>	<u>x</u>	<u>Def.'s Home Phone Records are admitted into evidence.</u>	<u>Pl.</u>
<u>72</u>			<u>x</u>	<u>x</u>	<u>Def.'s Cell Phone Records admitted.</u>	<u>Pl.</u>
					<u>8:46 a.m. Government witness Jessica Gomez (sworn).</u>	
					<u>Direct examination (Mr. Waldinger).</u>	
<u>73</u>			<u>x</u>	<u>x</u>	<u>Bank of America Deposit Slip</u>	<u>Pl.</u>

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		2/14/06			TRIAL TO JURY - DAY SEVEN (continued)	
74 <u>A</u>			<u>x</u>	<u>x</u>	Bank of America Cashier's Check	<u>Pl.</u>
					8:55 a.m. Cross-examination of witness Gomez (Mr. Balazs).	
					8:56 a.m. Government witness Cherine Drake (sworn).	
					Direct examination (Mr. Waldinger).	
75			<u>x</u>	<u>x</u>	Copy of 3/26/05 SVB check	<u>Pl.</u>
					9:06 a.m. Cross-examination (Mr. Balazs).	
					9:10 a.m. Government witness Carlo Del Rosario (sworn).	
					Direct examination (Mr. Waldinger).	
					9:15 a.m. Cross examination (Mr. Balazs).	
					9:15 a.m. Government witness Brian Anderson (sworn).	
					Direct examination (Mr. Waldinger).	
87			<u>x</u>	<u>x</u>	HosTek documents related to Egyptian Consulate	<u>Pl.</u>
86			<u>x</u>	<u>x</u>	Printouts from Egyptian Consulate website	<u>Pl.</u>
					9:30 a.m. Government witness Ellie Bravo (sworn).	
					Direct examination (Mr. Waldinger).	
73		2/13/06	<u>x</u>	<u>x</u>	Bank Document	<u>Pl.</u>

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		<u>2/14/06</u>			<u>TRIAL TO JURY - DAY SEVEN (continued)</u>	
<u>74</u> <u>A</u>		<u>2/13/06</u>	<u>x</u>	<u>x</u>	<u>Bank document</u>	<u>Pl.</u>
					<u>9:37 a.m. Court in recess.</u>	
					<u>10:03 a.m. Court in session (jury not present).</u>	
					<u>Discussion regarding trial schedule.</u>	
					<u>10:06 a.m. Jury enters the courtroom.</u>	
					<u>Government witness Jeffrey Johnson (sworn).</u>	
					<u>Direct exam (Ms. Harris).</u>	
					<u>10:17 a.m. Cross-examination (Mr. Balazs).</u>	
					<u>10:20 a.m. Government witness Emma Sword (sworn).</u>	
					<u>Direct examination (Mr. Waldinger).</u>	
<u>77</u>			<u>x</u>	<u>x</u>	<u>Executive Jet Management records</u>	<u>Pl.</u>
					<u>10:31 a.m. Cross-examination (Mr. Balazs).</u>	
					<u>10:36 a.m. Jury excused for the day, to resume the following day at 8:30 a.m., and given evening recess instructions, including reminder that investigation of Internet websites mentioned in court is prohibited.</u>	
					<u>Discussion re: schedule and upcoming evidentiary and jury instruction conferences.</u>	
					<u>10:48 a.m. Court in recess until 2:00 p.m.</u>	

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		<u>2/14/06</u>			<u>TRIAL TO JURY - DAY SEVEN (continued)</u>	
					<u>2:02 p.m. Court in session (jury not present).</u>	
					<u>Discussion re: Jury Instructions. Parties request to further confer tomorrow.</u>	
					<u>Discussion re: further factual stipulations.</u>	
					<u>2:47 p.m. Court in recess.</u>	
		<u>2/15/06</u>			<u>TRIAL TO JURY - DAY EIGHT</u>	
					<u>8:33 a.m. Court in Session - Jury Not Present</u>	
					<u>Discussion re: schedule.</u>	
					<u>8:50 a.m. Jury enters courtroom.</u>	
					<u>Government witness Marivic Simon (sworn).</u>	
					<u>Direct examination (Ms. Harris).</u>	
					<u>8:57 a.m. Cross-examination (Mr. Balazs).</u>	
					<u>8:59 a.m. Government witness Sharon Ginther (sworn).</u>	
					<u>Direct examination (Mr. Waldinger).</u>	
<u>78</u>			<u>x</u>	<u>x</u>	<u>America West reservation record</u>	<u>Pl.</u>
<u>78</u>			<u>x</u>	<u>x</u>	<u>America West active reservation record</u>	<u>Pl.</u>
					<u>9:12 a.m. Cross-examination (Mr. Balazs).</u>	

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		<u>2/15/06</u>			<u>TRIAL TO JURY - DAY EIGHT (continued)</u>	
					<u>9:14 a.m. Re-direct exam (Mr. Waldinger).</u>	
					<u>9:14 a.m. Government witness Brian Weber (sworn).</u>	
					<u>Direct examination (Ms. Harris).</u>	
<u>81</u>			<u>x</u>	<u>x</u>	<u>Photographs of defendant's vehicle</u>	<u>Pl.</u>
<u>82</u>			<u>x</u>	<u>x</u>	<u>Documents seized from defendant's vehicle</u>	<u>Pl.</u>
<u>83</u>			<u>x</u>	<u>x</u>	<u>Notes found in defendant's vehicle</u>	<u>Pl.</u>
<u>84</u>			<u>x</u>	<u>x</u>	<u>Documents seized from defendant's vehicle</u>	<u>Pl.</u>
<u>85</u>			<u>x</u>	<u>x</u>	<u>Documents related to passports seized from defendant's vehicle</u>	
					<u>9:50 a.m. Court in recess.</u>	
					<u>10:12 a.m. Court in session.</u>	
					<u>10:12 a.m. Cross examination of witness Weber (Mr. Balazs).</u>	
<u>82</u>			<u>x</u>	<u>x</u>	<u>Documents seized from defendant's vehicle</u>	<u>Pl.</u>
<u>84</u>			<u>x</u>	<u>x</u>	<u>Documents seized from defendant's vehicle</u>	<u>Pl.</u>
<u>85</u>			<u>x</u>	<u>x</u>	<u>Documents seized from defendant's vehicle relating to passports</u>	<u>Pl.</u>
					<u>10:19 a.m. Government witness Joseph Montoya (sworn).</u>	
					<u>Direct examination (Mr. Waldinger).</u>	

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		<u>2/15/06</u>			<u>TRIAL TO JURY - DAY EIGHT (continued)</u>	
<u>97</u> <u>A</u>			<u>x</u>	<u>x</u>	<u>Documents seized from Defendant's jail cell</u>	<u>Pl.</u>
					<u>10:26 a.m. Jurors exit the courtroom.</u>	
					<u>10:33 a.m. Jurors enter the courtroom.</u>	
					<u>Government witness Pauline Chu (sworn).</u>	
					<u>Direct examination (Mr. Waldinger).</u>	
<u>74</u> <u>B</u>			<u>x</u>	<u>x</u>	<u>Bank of America records 3/26/04</u>	<u>Pl.</u>
					<u>10:45 a.m. Jury excused for the day, given weekend instructions, and directed to return at 8:30 a.m., Tues., 2/21/06</u>	
					<u>1:46 p.m. Court in session.</u>	
					<u>Discussion re: contact between juror and an FBI agent</u>	
					<u>Jury instruction conference.</u>	
					<u>2:02 p.m. Witness David Daoud (sworn).</u>	
					<u>Direct examination (Mr. Balazs).</u>	
					<u>Defense requests Juror No. 9 be excused from the remainder of the trial. The Government objects.</u>	

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		<u>2/15/06</u>			<u>TRIAL TO JURY - DAY EIGHT (continued)</u>	
					<u>The court rules that the defense's request to excuse Juror No. 9 is DENIED.</u>	
					<u>Continue Jury Instruction Conference.</u>	
					<u>3:45 p.m. Court in recess.</u>	
		<u>2/21/06</u>			<u>TRIAL TO JURY - DAY NINE</u>	
					<u>[Belle Ball, Court Reporter for full day]</u>	
					<u>8:30 a.m. Court in Session - Jury Not Present</u>	
					<u>Discussion re: the parties having reached factual stipulations.</u>	
					<u>Defense renews motion to sever trial, counts 21-23 from 1-20.</u>	
					<u>The court rules that the renewed motion to sever is DENIED.</u>	
					<u>Discussion re: entering remaining government exhibits into evidence.</u>	
					<u>The defense states that it will move for judgment of acquittal under Fed.R.Crim.Pr. 29 at the close of the government's evidence. The court confirms that the motion is made.</u>	
					<u>8:55 a.m. Jury enters courtroom.</u>	
					<u>The court reads the factual stipulation re: May 9-10 2000 hearing into evidence.</u>	
<u>25</u>		<u>2/21/06</u>	<u>x</u>	<u>x</u>	<u>Sept. 15, 1999 transcript</u>	<u>Pl.</u>
<u>87 B</u>			<u>x</u>	<u>x</u>	<u>May 10, 2000 transcript</u>	<u>Pl.</u>

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		<u>2/21/06</u>			<u>TRIAL TO JURY - DAY NINE (continued)</u>	
<u>138</u>			<u>x</u>	<u>x</u>	<u>Def. Amr Mohsen's U.S. Passport</u>	<u>Pl.</u>
					<u>9:00 a.m. Government rests.</u>	
					<u>Defense witness Harry Tredennick (sworn).</u>	
					<u>Direct Examination (Mr. Locke).</u>	
					<u>Defense offers, and witness admitted, as an expert in the field of Digital Electronics.</u>	
					<u>9:55 a.m. Cross-examination (Ms. Harris).</u>	
					<u>10:05 a.m. Re-direct examination (Mr. Locke).</u>	
					<u>10:08 a.m. Re-cross examination (Ms. Harris).</u>	
					<u>10:10 a.m. Court in recess.</u>	
					<u>10:30 a.m. Court in session - jury not present.</u>	
					<u>Defense informs court that the defendant would like an ex parte discussion with his lawyers present.</u>	
					<u>All other parties are excluded from the courtroom.</u>	
					<u>10:47 a.m. In camera proceeding ends. Courtroom opened.</u>	
					<u>Court informs parties that Juror No. 9 approached the clerk and may have seen Juror No. 10 at a social function. The court finds, and the parties agree, it is not an issue to specially address with the juror.</u>	
					<u>10:49 a.m. Jurors enter the courtroom.</u>	

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		<u>2/21/06</u>			<u>TRIAL TO JURY - DAY NINE (continued)</u>	
	<u>AA</u>		<u>x</u>	<u>x</u>	<u>Pleading from civil patent case, C-98-762-WHA, dated 4/3/00</u>	<u>Def.</u>
	<u>BB</u>		<u>x</u>	<u>x</u>	<u>Certification re: Cayman Islands from U.S. State Dept.</u>	<u>Def.</u>
	<u>CC</u>		<u>x</u>	<u>x</u>	<u>Slide-show, for illustrative purposes</u>	<u>Def.</u>
					<u>10:55 a.m. Jurors are excused for the evening, directed to return at 9:00 a.m. the following day.</u>	
					<u>Discussion with Juror No. 8 re: personal issue.</u>	
					<u>Argument by defense for Rule 29 motion (Mr. Locke, Mr. Balazs).</u>	
					<u>Argument by the Government (Ms. Harris).</u>	
					<u>Court rules that Rule 29 motion for judgment of acquittal is DENIED.</u>	
					<u>Further discussion re: jury instructions.</u>	
					<u>11:40 a.m. Court in recess.</u>	
		<u>2/22/06</u>			<u>TRIAL TO JURY - DAY TEN</u>	
					<u>[Belle Ball, Court Reporter for full day]</u>	
					<u>9:00 a.m. Court in Session - Jury Not Present</u>	
					<u>Court distributes to the parties the final jury instructions.</u>	

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		<u>2/22/06</u>			<u>TRIAL TO JURY - DAY TEN (continued)</u>	
					<u>9:10 a.m. Jury enters courtroom.</u>	
	<u>N</u>		<u>x</u>	<u>x</u>	<u>Claim Construction Ruling in C-98-762-WHA</u>	<u>Def.</u>
					<u>Defense witness Roger Blakely (sworn).</u>	
					<u>Direct examination (Mr. Locke).</u>	
					<u>Witness Blakely is offered and admitted as an expert in the field of patent litigation law.</u>	
<u>33</u> <u>C</u>		<u>2/6/06</u>	<u>x</u>	<u>x</u>	<u>Patent timeline</u>	
					<u>9:28 a.m. Cross examination (Ms. Harris).</u>	
<u>33</u> <u>C</u>		<u>2/6/06</u>	<u>x</u>	<u>x</u>	<u>Patent timeline</u>	
					<u>9:37 a.m. Re-direct exam (Mr. Locke).</u>	
					<u>9:40 a.m. Jury excused from the courtroom while defense counsel confer with defendant.</u>	
					<u>9:50 a.m. Jury enters courtroom.</u>	
					<u>9:52 a.m. Defense rests. Government has no rebuttal. Jury excused for the weekend, reminded of court's instructions, and directed to return Monday, 2/27/06 at 8:30 a.m.</u>	

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		<u>2/22/06</u>			<u>TRIAL TO JURY - DAY TEN (continued)</u>	
					<u>Defense renews objections re: jury instructions.</u>	
					<u>Discussion re: defense proposal for dividing portions of closing argument between counsel. The court will allow it.</u>	
					<u>Defense renews the Rule 29 motion for judgment of acquittal, and motion for severance.</u>	
					<u>Court rules that the renewed motions are DENIED.</u>	
					<u>The parties discuss Phase II of the case, and disclosure of the possible defenses.</u>	
					<u>10:05 a.m. Court in recess.</u>	
		<u>2/27/06</u>			<u>TRIAL TO JURY - DAY ELEVEN</u>	
					<u>8:32 a.m. Court in Session - Jury Not Present</u>	
					<u>Court discusses jury verdict forms with counsel. The parties reach agreement regarding method of differentiating Count Two from Count Three.</u>	
					<u>Court discusses Juror No. 8; that the juror had a family emergency over the past weekend, and was excused; the court proposes replacement with Alternate Juror No. 1. The parties agree.</u>	
					<u>8:46 a.m. The jurors enter the courtroom.</u>	

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<u>Pl. No.</u>	<u>Def. No.</u>	<u>Date/Time Offered</u>	<u>ID</u>	<u>REC</u>	<u>DESCRIPTION</u>	<u>BY</u>
		<u>2/27/06</u>			<u>TRIAL TO JURY - DAY ELEVEN (continued)</u>	
					<u>Court replaces excused Juror No. 8 with Alternate Juror No. 1.</u>	
					<u>8:47 a.m. Plaintiff's closing argument (Ms. Harris).</u>	
					<u>9:50 a.m. Court in recess.</u>	
					<u>10:20 a.m. Court in session - jury present.</u>	
					<u>Continue plaintiff' closing argument (Ms. Harris).</u>	
					<u>10:40 a.m. Defendant's closing argument (Mr. Locke)(Mr. Balazs re: Count 20).</u>	
					<u>11:52 a.m. Court in recess.</u>	
					<u>1:34 p.m. Court in session.</u>	
					<u>Government's closing rebuttal argument (Mr. Waldinger).</u>	
					<u>2:18 p.m. Court in recess.</u>	
					<u>2:23 p.m. Court in session - jury present.</u>	
					<u>Court charges jury with final trial instructions.</u>	
					<u>2:40 p.m. Court inquires whether parties object to instructions as given. Government notes a correction needed on date in Instruction 11. Correction made.</u>	

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		<u>2/27/06</u>			<u>TRIAL TO JURY - DAY ELEVEN (continued)</u>	
					<u>Court Security Officer sworn. 12 trial jurors commence deliberations after being given admitted exhibits, verdict form, and jury note forms. 5 remaining alternate jurors directed to be on standby.</u>	
					<u>3:12 p.m. Court in recess.</u>	
					<u>[Note submitted by jury during deliberations, requesting copy of Indictment. Court denies the request.]</u>	
					<u>4:21 p.m. Court in session - jury not present.</u>	
					<u>Court informs the parties about the note submitted by jury during deliberations, requesting copy of Indictment. Court denies the request.</u>	
					<u>Court informs the parties that the jury has informed the Court Security Officer that it has reached a verdict.</u>	
					<u>4:28 p.m. Jurors enter the courtroom.</u>	
					<u>Verdict read. Defendant guilty on Counts One, Three, Four, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen and Twenty.</u>	
					<u>Court directs Jurors to return, including Alternates, for Phase Two of the case, beginning at 8:30 a.m., Monday, March 6, 2006.</u>	
					<u>Defense counsel requests an extension of the time limits for filing a post- verdict Rule 29 Motion for Judgment of Acquittal.</u>	

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		<u>2/28/06</u>			<u>TRIAL TO JURY - DAY TWELVE – PHASE TWO [COUNTS 21-23]</u>	
					<u>10:51 a.m. Court in session - jury not present. Ex parte sealed matter.</u>	
					<u>11:08 a.m. Court in recess.</u>	
					<u>1:38 p.m. Court in session - jury not present.</u>	
					<u>Court discusses parties’ submissions of proposed Phase II jury instructions.</u>	
					<u>The Government lists the initial witnesses it expects to summon.</u>	
					<u>Based on the Government’s list, the defense does not expect to call witness Dr. Jackman.</u>	
					<u>Parties directed by court to commence opening statements Monday, 3/6/06.</u>	
					<u>Defense requests permission for a visit by the defendant’s family within the immediate future. The Government objects, citing requirement in this case that case agent be present during such visits, and can only accommodate defendant at the end of the of case.</u>	
					<u>Defendant’s oral request for an immediate family visit is DENIED, the defendant’s supervised visit with family members must follow the Government’s availability of agents for supervision.</u>	
					<u>2:08 p.m. Court in recess.</u>	

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		<u>3/06/06</u>			<u>TRIAL TO JURY - DAY THIRTEEN – PHASE TWO [COUNTS 21-23]</u>	
					<u>8:16 a.m. Court in session - jury not present.</u>	
					<u>Discussion regarding Government's Motion in Limine (#527), filed March 2, 2006.</u>	
					<u>Defense does not intend to raise in opening statements comments made by the Government agent in recorded conversations, nor defendant's recorded comments. The court will reserve its ruling on the issue of attorney-client communications of a witness with his state public defender.</u>	
					<u>8:25 a.m. Court in recess.</u>	
					<u>8:31 a.m. Court in session - Jury present.</u>	
					<u>The court describes the remaining counts and gives the jury preliminary instructions on Phase II of the trial.</u>	
					<u>8:42 a.m. Government's opening statement (Mr. Waldinger).</u>	
					<u>9:14 a.m. Defense's opening statement (Mr. Balazs).</u>	
					<u>9:29 a.m. Government witness William Borland (sworn).</u>	
					<u>Direct examination (Mr. Waldinger).</u>	
<u>108</u>			<u>x</u>	<u>x</u>	<u>Hand-drawn diagram of Santa Rita Jail</u>	<u>Pl.</u>
<u>109</u>			<u>x</u>	<u>x</u>	<u>Disk containing recordings of S. Rita jail phone conversations</u>	<u>Pl.</u>
<u>114</u>			<u>x</u>	<u>x</u>	<u>Photos of Santa Rita jail interior.</u>	<u>Pl.</u>
<u>112</u>			<u>x</u>	<u>x</u>	<u>Audiotape recordings of defendant's visits</u>	<u>Pl.</u>
					<u>9:45 a.m. Sidebar conference re: Ex. 112.</u>	

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		3/06/06			<u>TRIAL TO JURY - DAY THIRTEEN – PHASE TWO [COUNTS 21-23] (Continued)</u>	
<u>111</u>			<u>x</u>	<u>x</u>	<u>Jail visitor passes</u>	<u>Pl.</u>
					<u>9:47 a.m. Cross examination of witness Borland (Mr. Balazs).</u>	
					<u>9:48 a.m. Government witness Andrew Steckler (sworn).</u>	
					<u>Direct examination (Ms. Harris).</u>	
					<u>10:03 a.m. Cross examination (Mr. Balazs).</u>	
	<u>DD</u>		<u>x</u>	<u>x</u>	<u>Declaration by Andrew Steckler re: Manuel Primas.</u>	<u>Def.</u>
					<u>10:17 a.m. Jury exits the courtroom.</u>	
					<u>Court discusses the previous sidebar conference for the record. Exhibits 112 and 114 are admitted, with defense reserving its prejudice and relevancy objections.</u>	
					<u>10:20 a.m. Court in recess.</u>	
					<u>10:36 a.m. Court in session. Parties request witness Steckler confer with witness Primas (for an attorney-client conference).</u>	
					<u>The court grants the request.</u>	
					<u>10:38 a.m. Court in recess. Conference takes place.</u>	
					<u>Court signs Order granting witness Manuel Primas immunity.</u>	
					<u>10:50 a.m. Court in session - jury present.</u>	
					<u>Continue cross examination of witness Steckler (Mr. Balazs).</u>	

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		3/06/06			TRIAL TO JURY - DAY THIRTEEN -(Continued)	
					Continue cross examination of witness Steckler (Mr. Balazs).	
	EE		x	x	Original criminal Information for Manuel Primas.	Def.
					11:02 a.m. Redirect exam of witness Steckler (Ms. Harris).	
					11:03 a.m. Re-cross examination of witness Steckler (Mr. Balazs).	
					11:05 a.m. Government witness Manuel Primas (sworn).	
					Direct examination (Mr. Waldinger).	
					11:11 a.m. Sidebar conference re: line of questioning re: hesitancy to testify and defense objection.	
108			x	x	Hand-drawn diagram of Santa Rita jail.	Pl.
					Witness identifies the defendant in the courtroom.	
126 A			x	x	Mohsen-Primas Legal Services agreement	Pl.
126 B			x	x	Receipt for Legal Services	Pl.
89 A			x	x	Documents with Kuranz and Moore names	Pl.
127 A			x	x	Document with witness addresses	Pl.
89 A			x	x	Documents with Kuranz and Moore names	Pl.

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		3/06/06			<u>TRIAL TO JURY - DAY THIRTEEN – PHASE TWO [COUNTS 21-23] (Continued)</u>	
<u>89 B</u>			<u>x</u>	<u>x</u>	<u>Photos of defendant's car</u>	<u>Pl.</u>
					<u>11:58 a.m. Court in recess until 1:30 p.m.</u>	
					<u>1:26 p.m. Court in session - jury not present. Discussion re: correspondence received from witness George Harmon requesting representation by counsel before testifying. The court orders the public defender's office to appear.</u>	
					<u>1:36 p.m. Appearance by Ron Tyler of the Federal Public Defender's Office. A CJA panel attorney will be appointed for witness George Harmon. Mr. Tyler will attempt to expedite the appointment to allow the panel attorney to confer with Mr. Harmon, who is in the building on this date, and who is scheduled to testify the following day, 3/7/06.</u>	
					<u>Discussion re: witness Aly Moussa's testimony – the witness will not testify until his counsel is available. The court confirms with witness Moussa that his counsel will be available 3/7/06, and Moussa will testify 3/7/06.</u>	
					<u>1:41 p.m. Jury enters the courtroom.</u>	
					<u>Continue direct exam of Manuel Primas (Mr. Waldinger).</u>	
<u>89 A</u>			<u>x</u>	<u>x</u>	<u>Documents with Kuranz and Moore's names</u>	<u>Pl.</u>
<u>88</u>			<u>x</u>	<u>x</u>	<u>Huang threat note</u>	<u>Pl.</u>
<u>98 A</u>			<u>x</u>	<u>x</u>	<u>Papers with Kimo's phone numbers</u>	<u>Pl.</u>
<u>116</u>			<u>x</u>	<u>x</u>	<u>Notes from Primas</u>	<u>Pl.</u>
					<u>2:19 p.m. Jury exits the courtroom.</u>	
					<u>Counsel allowed to discuss stipulation re: Ex. 117.</u>	

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		3/06/06			<u>TRIAL TO JURY - DAY THIRTEEN – PHASE TWO [COUNTS 21-23] (Continued)</u>	
					<u>2:26 p.m. Court in recess.</u>	
					<u>2:40 p.m. Court in session - jury not present.</u>	
					<u>Court orders and informs the U.S. Marshals Service that witness Primas be detained in federal custody during the course of giving testimony.</u>	
					<u>2:44 p.m. Jury enters courtroom.</u>	
					<u>Court reads stipulation re: audio recordings and transcripts to jury. No separate transcript will go to jury for deliberations.</u>	
<u>117</u>			<u>x</u>	<u>x</u>	<u>Audio recording of 5/27/04</u>	<u>Pl.</u>
					<u>3:25 p.m. Jury exits courtroom.</u>	
					<u>Court appoints CJA panel attorney Julia Drous to represent witness George Harmon.</u>	
					<u>The parties confer regarding witness Primas' placement concerns.</u>	
					<u>The court WITHDRAWS its previous order re: custody of witness Primas, as the U.S. Marshals Service assures it will address the concerns.</u>	
					<u>3:43 p.m. Jury enters the courtroom. Continue direct examination of witness Primas (Mr. Waldinger).</u>	
<u>121</u>			<u>x</u>	<u>x</u>	<u>Photographs of car arson.</u>	<u>Pl.</u>
<u>117</u>			<u>x</u>	<u>x</u>	<u>Audio and video recording of June 3 jail meeting.</u>	<u>Pl.</u>

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		<u>3/06/06</u>			<u>TRIAL TO JURY - DAY THIRTEEN –(Continued)</u>	
					<u>4:17 p.m. Jurors exit the courtroom.</u>	
					<u>Discussion re: questions raised by Juror No. 9, re: length of trial and plans to travel abroad. The court will address the questions the following morning.</u>	
					<u>4:19 p.m. Court in recess.</u>	
		<u>3/07/06</u>			<u>TRIAL TO JURY - PHASE TWO – DAY FOURTEEN</u>	
					<u>8:20 a.m. Court in session - jury not present.</u>	
					<u>Court places on record parties' agreement that witness Harmon will not appear until 3/08/06 at 10:30 a.m.; and that attorney Julia Drous has been appointed as counsel for the witness.</u>	
					<u>Discussion about trial schedule.</u>	
					<u>Discussion about Stipulation on Judge Alsup recusal. The parties reach a further agreement on the wording of the Stipulation.</u>	
					<u>The parties agree to have witness Aly Moussa appear out of order, as his lawyer for the witness is only available on this date.</u>	
					<u>8:40 a.m. Jury enters the courtroom.</u>	
					<u>Court discusses trial schedule to address Juror's inquiry. The trial is progressing and will likely be shorter than Phase One, and will not advance into April.</u>	
					<u>Regarding the juror's inquiry about later travel to Egypt, jurors are permitted to view Internet websites on travel, but should not view the websites referred to in this case.</u>	

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		3/07/06			TRIAL TO JURY - DAY FOURTEEN (Continued)	
					8:42 a.m. Government witness Aly Moussa (sworn) (testimony taken out of order).	
					Direct examination (Ms. Harris).	
134		3/07/06	x	x	Receipt for Kemo Williams	Pl.
					8:58 a.m. Cross-examination of witness Moussa (Mr. Balazs).	
					9:02 a.m. Government witness Manuel Primas (previously sworn).	
					Continue direct examination (Mr. Waldinger). _____	
121		3/06/06	x	x	Photos of car arson and envelope	Pl.
116		3/06/06	x	x	Notes from Primas	Pl.
117		3/06/06	x	x	Audio and video recording of June 13 jail meeting.	Pl.
					9:35 a.m. Court in recess.	
					9:47 a.m. Court in session – jury not present.	
					Discussion re: line of questioning on witness Primas' sentencing and location of service of sentence.	
					9:54 a.m. Jury enters the courtroom.	
					Cross-examination of witness Primas (Mr. Balazs).	
	GG1	3/07/06	x		Legal Research Material from Primas	Def.

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		<u>3/07/06</u>			<u>TRIAL TO JURY - DAY FOURTEEN (Continued)</u>	
	<u>GG2</u>		<u>x</u>		<u>Legal Research Materials from Primas</u>	<u>Def.</u>
	<u>GG3</u>		<u>x</u>		<u>Legal Research Materials from Primas</u>	<u>Def.</u>
	<u>HH</u>		<u>x</u>	<u>x</u>	<u>Note regarding Muslims</u>	<u>Def.</u>
	<u>KK</u>		<u>x</u>	<u>x</u>	<u>Primas/Harmon Declaration</u>	<u>Def.</u>
	<u>LL</u>		<u>x</u>	<u>x</u>	<u>Notes with addresses</u>	<u>Def.</u>
<u>52</u>		<u>2/07/06</u>	<u>x</u>	<u>x</u>	<u>San Jose Police Department Burglary Report 12/14/98</u>	<u>Pl.</u>
<u>89 B</u>		<u>3/06/06</u>	<u>x</u>	<u>x</u>	<u>Photos of Amr Mohsen auto</u>	<u>Pl.</u>
<u>116</u>		<u>3/06/06</u>	<u>x</u>	<u>x</u>	<u>Note from Primas</u>	<u>Pl.</u>
	<u>FF</u>	<u>3/07/06</u>	<u>x</u>	<u>x</u>	<u>Primas Letter to Judge</u>	<u>Def.</u>
<u>127 A</u>		<u>3/06/06</u>	<u>x</u>	<u>x</u>	<u>Document with witness addresses</u>	<u>Pl.</u>
					<u>11:09 a.m. Court in recess.</u>	
					<u>11:30 a.m. Court in session - jury present.</u>	
					<u>Continue cross-examination of witness Primas (Mr.Balazs).</u>	
					<u>11:44 a.m. Sidebar conference re: line of questioning re: prior statements.</u>	
					<u>11:45 a.m. Sidebar conference re: further witness scheduling</u>	
					<u>11:46 a.m. Re-direct exam of witness Primas (Mr. Waldinger).</u>	
	<u>KK</u>		<u>x</u>	<u>x</u>	<u>Primas/Harmon Declaration</u>	<u>Def.</u>
	<u>LL</u>		<u>x</u>	<u>x</u>	<u>Notes with addresses</u>	<u>Def.</u>

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		3/07/06			TRIAL TO JURY - DAY FOURTEEN – (Continued)	
					11:58 a.m. Re-cross exam (Mr. Balazs).	
					12:01 p.m. Jury exits the courtroom.	
					The court places on the record the sidebar conferences. Witness Metwally will testify on this date, as her counsel assures the court that counsel can be present in the afternoon.	
					Defense requests permission for witness Metwally to remain in the courtroom after testifying. The court grants the request.	
					12:04 p.m. Court in recess.	
					1:51 p.m. Court in session – jury present.	
					Court reads Stipulation re: Judge Alsup recusal to the jury.	
					1:56 p.m. Government witness Magda Metwally (sworn).	
					Direct examination (Mr. Waldinger).	
					2:05 p.m. Jury exits the courtroom. Discussion re: line of questioning on phone calls defendant made to witness.	
					2:15 p.m. Jury enters the courtroom. Continue direct examination of witness Metwally.	
					2:29 p.m. Government witness David Carr (sworn).	
					Direct examination (Ms. Harris).	
121			x	x	Photo of car arson	Pl.

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		3/07/06			TRIAL TO JURY - DAY FOURTEEN (Continued)	
					Continue direct examination of witness Carr (Ms. Harris).	
121			<u>x</u>	<u>x</u>	Photo of car arson	<u>Pl.</u>
133			<u>x</u>	<u>x</u>	Money paid from Aly Moussa to Kimo Moi	<u>Pl.</u>
134			<u>x</u>	<u>x</u>	Receipt for Kimo Moi	<u>Pl.</u>
					2:43 p.m. Jury exits the courtroom.	
					Discussion re: recorded conversation evidence in Arabic.	
					3:12 p.m. Court in recess.	
					3:30 p.m. Court in session.	
					Court informs the jury of procedure for playing audio recordings and reading of transcripts of Arabic-language recordings; and stipulation on issue of the court appeal process referred to in recordings.	
110		3/07/06	<u>x</u>	<u>x</u>	Transcript of jail cell recordings	<u>Pl.</u>
					4:28 p.m. Jurors exit the courtroom after being given evening recess instructions.	
					Discussion that the Arabic transcripts read will be marked as Exhibit 113.	
					Discussion that Exhibit 133, containing currency, will remain in Plaintiff's custody throughout trial. Court so orders.	
					4:30 p.m. Court in recess until 8:30 a.m. the following day.	

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		3/08/06			TRIAL TO JURY - PHASE TWO - DAY FIFTEEN	
					9:01 a.m. Court in session - jury not present.	
					Discussion regarding vehicle delay for Juror No. 12. The clerk is directed to be in contact with the juror.	
					9:03 a.m. Court in recess.	
					9:17 a.m. Court in session - jury not present.	
					Further discussion regarding vehicle delay for Juror No. 12. The parties wish to await the juror and have him remain in the case.	
					9:20 a.m. Jury enters the courtroom and informs the jurors. They are excused until 10:30 a.m.	
					The parties wish to work on jury instructions. They will be allowed to do so until 10:15.	
					9:25a.m. Court in recess.	
					10:25 a.m. Court in session - jury not present.	
					Discussion re: Jury Instructions.	
					10:35 a.m. Attorney Julia Drous appears for witness George Harmon. Both parties have decided not to call the witness. Ms. Harmon is thanked and excused from further appearance.	
					10:40 a.m. Court in recess.	
					11:35 a.m. Court in session - Juror No. 12 and rest of jury present.	
					Government witness Joseph Montoya (sworn).	
					Direct examination (Mr. Waldinger).	

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		3/08/06			TRIAL TO JURY - PHASE TWO - DAY FIFTEEN	
90		3/08/06	x	x	Photos of Amr Mohsen jail cell	Pl.
98 A		3/08/06 [also admitted 3/06/06]	x	x	Papers from Amr Mohsen jail cell	Pl.
98 B			x	x	Paper from Jail cell with Kimo phone numbers	Pl.
92			x	x	Paper with Kimo phone numbers, among others	Pl.
100			x	x	Miscellaneous notes	Pl.
113			x	x	Transcripts of audio recordings. <u>THE EXHIBIT IS ADMITTED BY THE COURT, BUT WILL NOT BE GIVEN TO THE JURY IN DELIBERATIONS.</u>	Pl.
					11:54 a.m. Jury excused until 1:45 p.m.	
					Defense makes Rule 29 motion on Count 23, and renews Motion to Sever Counts 21-23 from remainder of case.	
					Court denies the Rule 29 motion.	
					12:21 p.m. Court in recess.	
					1:47 p.m. Court in session - jury not present.	
					Discussion regarding Exhibits. The Government will provide a marked Exhibit 110. Exhibit 112, audio-recording tapes, though admitted, will not go to jury.	
					The government will provide transcripts that the defense requested, to be marked as a separate exhibit.	
					The court confirms that Defense Exhibit EE is admitted and will go to the jury.	
					1:54 p.m. Jury enters the courtroom.	

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<u>Pl. No.</u>	<u>Def. No.</u>	<u>Date/Time Offered</u>	<u>ID</u>	<u>REC</u>	<u>DESCRIPTION</u>
		<u>3/08/06</u>			<u>TRIAL TO JURY - PHASE TWO - DAY FIFTEEN</u>
					<u>1:54 p.m. The Government rests.</u>
					<u>Defense witness Mary Davis (sworn).</u>
					<u>Direct examination (Mr. Balazs).</u>
					<u>1:57 p.m. Defense witness Charles Davis (sworn).</u>
					<u>Direct examination (Mr. Balazs).</u>
					<u>1:59 p.m. Defense witness Mike Silva (sworn).</u>
					<u>Direct examination (Mr. Balazs).</u>
					<u>2:15 p.m. Cross-examination (Ms. Harris).</u>
					<u>2:25 p.m. Defense witness Christopher Forvour (sworn).</u>
					<u>Direct examination (Mr. Balazs).</u>
					<u>2:28 p.m. Cross-examination (Ms. Harris).</u>
					<u>2:30 p.m. Defense rests.</u>
					<u>Sidebar conference re: jury instruction schedule.</u>
					<u>2:32 p.m. Court informs the jury that they are to return at 1:30 p.m. Monday, March 13, 2006, for closing arguments and the court's instructions, are given weekend recess instructions, and excused.</u>

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		<u>3/08/06</u>			<u>TRIAL TO JURY - PHASE TWO - DAY FIFTEEN</u>
					<u>Discussion re: sidebar conference on jury instructions, is placed on the record. The parties will send by e-mail the instructions to the court by the close of business Thursday and the court will hold a jury instruction conference Monday, March 13, 2006 at 8:30 a.m.</u>
					<u>2:38 p.m. Court in recess.</u>
					<u>3:15 p.m. Court in session. Ex parte, in camera discussion of defense counsel and defendant with the court.</u>
					<u>4:00 p.m. Ex parte discussion ends. Government counsel enter.</u>
					<u>Further jury instruction conference.</u>
					<u>4:28 p.m. Court in recess until 8:30 a.m. March 13, 2006.</u>
		<u>3/13/06</u>			<u>TRIAL TO JURY - PHASE TWO - DAY SIXTEEN</u>
					<u>8:34 a.m. Court in session - jury not present.</u>
					<u>Jury Instruction Conference. Parties come to agreement on jury instructions and verdict form.</u>
					<u>8:54 a.m. Court in recess for defense counsel conference with client.</u>
					<u>9:07 a.m. Court in session - jury not present.</u>
					<u>Defense finishes conference. Discussion regarding closing argument schedule. The court may give final jury instructions the following day.</u>
					<u>9:09 a.m. Court in recess until 1:30 p.m.</u>

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		3/14/06			<u>TRIAL TO JURY - PHASE TWO - DAY SEVENTEEN</u>
					8:34 a.m. Court in session – jury present.
					<u>Defense submits Exhibit MM, transcripts of Mohsen-Primas meetings, as previously ordered and admitted by the court (but not for jury’s consideration in deliberations).</u>
					<u>Rebuttal closing argument by the Government (Ms. Harris).</u>
					9:22 a.m. Court charges jury with final trial instructions.
					<u>Court inquires whether parties object to instructions as given. No objections.</u>
					9:44 a.m. Court Security Officer sworn. <u>12 trial jurors commence deliberations after being given admitted exhibits, verdict form, and jury note forms. 5 remaining alternate jurors directed to be on standby.</u>
					9:48 a.m. Court in recess.
					<u>10:36 a.m. Court in session – jury not present. Discussion regarding a note from the jury, requesting further viewing of audio/video evidence.</u>
					<u>10:40 a.m. Jury enters the courtroom. Mar. 29, 2004 conversation recording transcript read. Exhibit 117 played.</u>
					<u>10:45 a.m. Jury retires to continue deliberations. Court in recess.</u>
					<u>Jury notes submitted to the court regarding question about lunch (court-ordered lunch provided for the jury both deliberating and for the alternates on stand-by).</u>
					3:22 p.m. Court in session - jury not present.

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		3/15/06			<u>TRIAL TO JURY - PHASE TWO - DAY EIGHTEEN</u>
					<u>[8:30 a.m. Jury continues deliberations. Alternate jurors on standby.]</u>
					<u>1:37 p.m. Court in session - jury not present.</u>
					<u>Discussion regarding Jury note submitted to the court regarding status of verdict on counts. Jury is deadlocked on one count.</u>
					<u>The court will provide a written response to the jury to continue trying.</u>
					<u>1:40 p.m. Court in recess. Clerk gives court's response to jury.</u>
					<u>2:25 p.m. Court in session - jury not present.</u>
					<u>Discussion regarding jury note requesting read back of June 12 and June 13, 2004 transcripts of defendants and family members; and witness Primas testimony about June 12 conversation.</u>
					<u>2:36 p.m. Jury present. Jurors hear transcripts of defendant's conversations with family members. Court inquires as to extent of Primas testimony jury wishes to hear. Jury exits while court and counsel further discuss and pinpoint locations and length of testimony from court's transcript.</u>
					<u>3:03 p.m. Jury enters courtroom and court reads back testimony from transcript.</u>
					<u>3:11 p.m. Jury exits courtroom. Court in recess.</u>
					<u>4:03 p.m. Court in session – jury not present.</u>
					<u>Court informs the parties that the jury has reached a verdict.</u>
					<u>Jurors enter the courtroom.</u>

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		3/15/06			<u>TRIAL TO JURY - PHASE TWO - DAY EIGHTEEN</u>
					<u>Verdict reviewed by court. Court inquires if foreperson put incorrect date on verdict. Foreperson answers yes, and corrects verdict with date of March 15, 2006.</u>
					<u>Verdict read Defendant found GUILTY on Counts Twenty-One, and Twenty-Two, and NOT GUILTY on Count Twenty-Three. Foreperson confirms it is the true and correct verdict.</u>
					<u>Trial Jurors and Alternates are given the thanks of the court and dismissed.</u>
					<u>The matter is referred to the U.S. Probation Office for investigation and completion of a Presentence Report. Defendant and counsel are directed to report to the office at the conclusion of the hearing. SENTENCING SET for Friday, July 14, 2006 at 11:00 a.m.</u>
					<u>Defense moves for the lifting of restrictions on the defendant while incarcerated. Government objects.</u>
					<u>ORDERED: The defendant's restrictions on conditions of confinement and visitations are lifted, with the defendant to be treated as a normal prisoner. Defense will submit an order for the court's signature.</u>
					<u>Exhibit 138, defendant Amr Mohsen's passport, returned from use in jury deliberations and held by deputy clerk. As trial has ended and pursuant to court's order of Feb. 21, 2006 (#504), the defendant's passport is no longer needed for use at trial and is will be delivered from the Courtroom Operations Division of the Clerk's Office to the Finance Division of the Clerk's Office.</u>
					<u>Exhibits ordered returned to plaintiff and defense counsel – counsel sign receipt acknowledging return of exhibits.</u>
					<u>4:15 p.m. Court in recess.</u>