ALM | LAW.COM

THE AM LAW LITIGATION DAILY

Pulling Back the Curtain on the Creative Use of Demonstrative Exhibits in an East Texas Patent Trial

By Ross Todd

May 13, 2026

When a jury in Marshall, Texas returned a quick defense verdict for Cisco Systems Inc. last month, it ended the first trial in a closely watched wave of patent cases brought by EireOg against major technology companies using Intel processors. It also capped a defense presentation that leaned heavily on visual storytelling to untangle dense questions of chip architecture and a complex licensing defense.

A team from **Wilmer Cutler Pickering Hale and Dorr**, working alongside **Gillam & Smith**, convinced jurors that that the plaintiffs hadn't shown that Cisco infringed the asserted patent claims, while also persuading them that the patent fell within a patent pool that Cisco had taken a license to. The lawyers relied on an array of demonstrative exhibits that did far more than dress up witness testimony. They became central teaching tools.

Among those exhibits was a large magnet board depicting the internal components of the Intel processor targeted in EireOg's litigation campaign. Another came together during the cross of one key witness, as Wilmer's

Courtesy photos

(l-r) Joseph Mueller, Louis Tompros, and Sarah Frazier of Wilmer Cutler Pickering Hale and Dorr.

Joe Mueller connected a web of rubber bands to the names of entities on another magnet board-based exhibit to map the relationships among two entities of patent monetizer Atlantic IP Services and others associated with the case. And, in another dramatic touch, after a representative of Dutch company NXP Semiconductors testified that Atlantic IP was behind the scenes when the company sold the patent at issue, the Cisco team built a "curtain" reveal aimed at underscoring who the defense argued was really pulling the strings behind the litigation.

Courtesy photos

A demonstrative exhibit, including a working curtain, that the defense team used during the 'EireOg v. Cisco' trial in Marshall, Texas.

It's safe to assume that certain corners of the Cisco team's trial war room took on the air of a high school shop class mixed with Santa's workshop.

"Creating top tier demonstratives often requires not just lawyers, but also artists and builders," said Mueller via email. "We collaborate closely with Impact Trial Consulting, an elite firm for such work, in our highest stakes cases."

The approach, according to the Wilmer lawyers, was never about spectacle for its own sake.

"Creative, outsidethebox demonstratives are terrific for engaging the jury and keeping the other side offbalance," Mueller said. "But they need to be built on a foundation of strong oldschool trial techniques—including for direct and crossexamination."

In a patent trial, jurors are often asked to absorb unfamiliar technology and terminology in real time. In the Cisco case, the defense faced competing narratives about processor design, memory architecture and how instructions move through a chip. Rather than rely solely on slides projected onto courtroom screens, the Wilmer team opted for tactile, physical objects that evolved as testimony unfolded.

One of the most striking examples was the magnetic board showing a highresolution image of the processor. Individual components were added piece-by-piece as an engineer testified about them. The aim was to anchor the jury in something concrete before layering on abstraction.

"We work hard to try to avoid a 'magic show' impression," said partner **Louis Tompros** by email.

Tompros said the magnet board used at trial deliberately began with an actual image of the chip itself before components were added incrementally "to show the judge and jury that our demonstratives are grounded in the evidence."

"We then had an engineer explain each component, and the functionality of each," he said.

The idea was to create a visual narrative that tracked the testimony rather than raced ahead of it.

That same philosophy guided how the team approached far more theatrical exhibits that came in during cross-examination—including the web of entities associated with Atlantic IP and EireOg. In Texas, where demonstratives for cross-examination don't have to be disclosed, the door is open to lawyers willing to try a more creative approach.

The web exhibit, in particular, was assembled live in front of jurors using simple rubber bands connecting placards on a magnetic board. As admissions accumulated, the visual grew denser, reinforcing the defense's theme that the licensing dispute was inseparable from a broader monetization campaign.

Behind the scenes, getting those visuals right required a careful balancing act.

"You can't just bring a great demonstrative into court and show it off," Tompros said. "You need a plan for how to use it, at the level of the

Courtesy photo

A web of companies that Wilmer partner Joseph Mueller put together during the cross examination of a witness during the 'EireOg v. Cisco' trial in Marshall, Texas.

form of the questions to the witness who will be examined about the demonstrative. That takes a lot of work, to make the examination non-objectionable and give it a seamless flow."

That planning extended well beyond identifying which exhibits to use. **Sarah Frazier**, a partner on the trial team, said via email that demonstratives typically go through multiple iterations before ever reaching the courtroom to make sure they're both visually striking and "rooted in the evidence." Some never make it to the courtroom.

"We'll go through many prototypes before we're satisfied—and indeed, sometimes we'll discard a project and start a new one, looking for the perfect option," Frazier said.

In practice, that meant stresstesting visuals for accuracy, fairness and vulnerability to attack. Any demonstrative that risks oversimplifying the technology or that could easily be turned against the defense gets reworked or scrapped.

Execution matters just as much as design. Timing when a demonstrative appears, where it was placed in the courtroom and how a witness physically interacts with it are all choreographed in advance.

"We want the execution to be flawless, to let the jury focus its full attention on the demonstrative and the testimony about it," Frazier said.

Welldesigned demonstratives don't just help jurors understand complex evidence; they can also quietly pull focus from the other side. When a defense team introduces a live, evolving visual—something coming together in front of the jury—opposing counsel is suddenly forced to make realtime choices: whether to object, how to neutralize the image on the fly and how much attention to pay to what's unfolding during their own examinations and presentation. That cognitive and strategic distraction can matter, especially in tightly timed trials, where attention is a finite resource and momentum is hard to reclaim once it shifts.

In the Cisco case, the defense team mixed in oldschool techniques such as handdrawn sketches on paper pads with the more carefully engineered visuals to keep jurors oriented and engaged as the case shifted from infringement questions to licensing and corporate structure.

After just over an hour of deliberations, jurors sided with Cisco on both infringement and the nature of the relationship between the patentholder and Atlantic IP.

In a venue long known for high-stakes patent litigation, the defense's success suggests that, even in ninefigure cases, persuasion often comes down to making complex questions of technology and business feel intelligible—one magnet, rubber band and carefully planned reveal at a time.