

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

MOTIO, INC.	§	
	§	
V.	§	CASE NO. 4:12-CV-647
	§	Judge Mazzant
BSP SOFTWARE LLC,	§	
BRIGHTSTAR PARTNERS, INC.,	§	
and AVNET, INC.	§	

**MEMORANDUM OPINION AND ORDER**

Pending before the Court are Plaintiff and Defendants' Motions *in Limine* (Dkts. #221-23). After considering the pleadings and hearing argument at a Pre-Trial Hearing on January 14, 2016, the Court rules on the motions as follows:

*Plaintiff's Motion #1*

Granted. Defendants shall not argue to the jury or present evidence at trial related to non-infringement arguments that were not disclosed in response to contention interrogatories dated June 27, 2013, and March 13, 2015 (Dkt. #221, Ex. A).

*Plaintiff's Motion #2, Defendants' Motion #1*

Granted. Defendants shall not argue to the jury or present evidence at trial related to any of Defendants' patents or the pending Illinois litigation and Plaintiff shall not introduce, argue or mention at trial Plaintiff's counterclaims in the Illinois litigation.

*Defendants' Motion #2*

Granted. Plaintiff shall not introduce, argue or mention at trial Avnet's Petition for *Inter Partes* Review and proceedings before the Patent Trial and Appeal Board.

*Defendants' Motion #3*

Granted. Plaintiff shall not introduce, argue or mention at trial testimony and argument that ICM infringes the patent-in suit.

*Defendants' Motion #4*

Denied.

*Defendants' Motion #5*

Granted. Plaintiff shall not introduce, argue or mention at trial Avnet's size, total profits, or total revenues.

*Defendants' Motion #6*

Denied.

*Defendants' Motion #7*

Granted. Plaintiff shall not introduce, argue or mention at trial testimony by undisclosed witnesses Blackwell, Mullinax, Masson, and Adkinson.

*Defendants' Oral Amendment*

Granted. Plaintiff shall not introduce, argue or mention at trial the lawsuit filed by Plaintiff against BSP and individuals on January 13, 2016, in the District Court of Dallas County, Texas.

**SIGNED this 19th day of January, 2016.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE