

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

AUBURN UNIVERSITY,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 3:09-cv-694-MEF
	)	(WO – Do Not Publish)
INTERNATIONAL BUSINESS	)	
MACHINES, CORP.,	)	
	)	
Defendant.	)	

**ORDER**

This cause is before the Court on Defendant International Business Machines, Corporation’s (“IBM”) *Daubert* Motion to Strike Certain Opinions of David G. Borden. (Doc. #355.) IBM’s Motion challenges the valuation methods used by Plaintiff Auburn University’s (“Auburn”) expert witness to support his calculation of the amount of money damages at issue in this case. However, in its Order and Memorandum Opinion of August 2, 2012 (Doc. #381), the Court dismissed Auburn’s remaining claims for money damages (Auburn’s patent infringement claims). Accordingly, it is hereby ORDERED that IBM’s *Daubert* Motion to Strike Certain Opinions of David G. Borden (Doc. #355) is DENIED as MOOT.

DONE this the 29<sup>th</sup> day of March, 2013.

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/s/ Mark E. Fuller  
UNITED STATES DISTRICT JUDGE