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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEVI STRAUSS & COMPANY,

Plaintiff,

No. 07-03752 JSW

v.

**ORDER ON OBJECTIONS TO
EXHIBITS**ABERCROMBIE & FITCH TRADING
COMPANY,

Defendants.

The Court has reviewed and considered the parties' objections to exhibits and sets forth its rulings as follows:

Abercrombie & Fitch's Exhibits

| Trial Exhibit Number | Ruling |
|-----------------------------|---|
| 12 | Overruled |
| 13 | Sustained in part. Page 3021 shall be excluded from the exhibit. |
| 14 | Reserved pending testimony on use at trial and pending further argument regarding disclosure of particular design at issue. If design not produced in discovery, the exhibit shall not be admitted. |
| 90 | Reserved pending further argument from parties on relevance. |

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| 101 | Sustained. |
| 103 | Sustained. |
| 107 | Sustained. Per the Court's prior ruling, no reports from experts shall be admitted into evidence. |

Levi Strauss & Company's Exhibits

| Trial Exhibit Number | Ruling |
|-----------------------------|--|
| 213 | Overruled. |
| 226 | Sustained. Rule 403 |
| 242 | Reserved. Abercrombie shall advise the Court on December 17, 2008, if they have inspected and whether they have withdrawn the objection. |
| 243-254 | The parties shall meet and confer in an attempt to reduce the number of exhibits to be offered. The Court reserves ruling on the objections to these exhibits. |
| 255 | Sustained. |
| 257, 262-265 | The parties shall meet and confer in an attempt to reduce the number of exhibits to be offered. The Court reserves ruling on the objections to these exhibits. |
| 267 | Overruled. |
| 278 | Reserved. Abercrombie shall advise the Court on December 17, 2008 whether it has inspected the exhibit and whether it has withdrawn the objection. |

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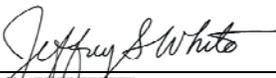
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| 279 | Reserve. The Court requires further information laying a foundation for admission of the exhibit. |
| 283 | Overruled. |
| 284 | Sustained. |
| 285 | Reserved, subject to proper authentication. |
| 286 | Reserved, subject to proper authentication. |
| 287 | Sustained on the basis of inadmissible hearsay and Rule 403. |
| 288 | Sustained on the basis of inadmissible hearsay and Rule 403. |
| 289 | Sustained on the basis of inadmissible hearsay and Rule 403. |
| 291 | Reserved pending testimony at trial to evaluate relevance. |
| 298 | Overruled |
| 322 | Reserved. |
| 323 | Reserved. |
| 325 | Sustained. |
| 331-350 | Overruled. The Court shall address the parties after Wednesday's session in more detail regarding its ruling. The parties shall not refer to particular designs that have been challenged or allowed to remain in the market place during opening statements. The parties may refer to Levi's enforcement efforts, or lack thereof, generally. |

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| 354-357 | Reserved. The Court shall hear further argument on whether the particular exhibits were produced in discovery. If they were not, they shall not be admitted. |
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IT IS SO ORDERED.

Dated: December 12, 2008



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE