

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PLANTRONICS, INC.,
Plaintiff,

No. C 09-01714 WHA

v.

ALIPH, INC., et al,
Defendants.

**NOTICE CONCERNING JANUARY 9
ORAL ARGUMENT REGARDING
MOTION *IN LIMINE*
REGARDING DR. LEONARD**

On December 9, plaintiff moved to exclude portions of and testimony from Dr. Leonard regarding the Freebit license and Freebit technology. The Court is tentatively of the view that Dr. Leonard should not be able to opine at trial regarding whether the Freebit technology is a substantial non-infringing alternative, but at most, should be permitted to assume that it is a substantial non-infringing alternative. In which case, defendants must have different proof for whether the Freebit technology is a substantial non-infringing alternative. At the January 9 hearing, defendants' counsel should please be prepared to demonstrate or address whether there is such proof.

IT IS SO ORDERED.

Dated: January 7, 2014.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE