

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

3  
4 CRS RECOVERY, INC., a Virginia  
5 corporation; and DALE MAYBERRY,

6 Plaintiffs,

7 v.

8 JOHN LAXTON, aka  
9 johnlaxton@gmail.com; and  
10 NORTHBAY REAL ESTATE, INC.,

11 Defendants.

No. C 06-7093 CW  
ORDER ON MOTIONS  
IN LIMINE

12  
13 The Court issues the following rulings on the parties'  
14 motions in limine:

15 PLAINTIFFS' MOTIONS IN LIMINE

16 1. Motion to exclude evidence of bankruptcies of Defendants John  
17 Laxton and Northbay Real Estate, Inc.

18 GRANTED. Laxton may serve as the corporate representative  
19 for Northbay.

20 2. Motion to exclude evidence of or reference to any conduct by  
21 Defendants after they acquired RL.com.

22 GRANTED in part, DENIED in part. Evidence of the subsequent  
23 proceedings before the World Intellectual Property Organization  
24 (WIPO) evidence is admissible for the limited purpose of  
25 establishing that Plaintiffs waived their rights of ownership over  
26 RL.com. This evidence is not relevant to the good-faith purchaser  
27 defense, which is based on Laxton's knowledge at the time that he  
28 purchased RL.com, and any probative value would be further

1 diminished by the fact that Laxton had actual notice of  
2 Plaintiffs' claims to RL.com prior to the WIPO proceedings.

3 3. Motion to exclude testimony of Defendants' expert, Dr. John  
4 R. Levine.

5 WITHDRAWN by Plaintiffs.

6 4. Motion to exclude evidence of the terms of settlement between  
7 Plaintiffs and former Defendant Li Qiang.

8 GRANTED. Defendants may move to admit this evidence, if it  
9 becomes relevant for impeachment or rebuttal purposes.

10 5. Motion to exclude evidence of the financial terms of the  
11 assignment of RL.com from Plaintiff Dale Mayberry to Plaintiff CRS  
12 Recovery.

13 GRANTED.

14 6. Motion to exclude evidence of or reference to the Ninth  
15 Circuit opinion in this matter.

16 GRANTED. Defendants do not oppose this motion.

17 7. Motion to exclude evidence of or reference to the good-faith  
18 purchaser defense until Defendants have introduced evidence that  
19 the transfer of RL.com was obtained by fraud.

20 DENIED.

21 8. Motion to exclude evidence of communications between Laxton  
22 and Richard Lau about the domain name beef.com and Lau's alleged  
23 use of aliases.

24 DENIED.

25 DEFENDANTS' MOTIONS IN LIMINE

26 1. Motion to exclude evidence of damages based on lost profits.

27 DENIED.

28 2. Motion to exclude expert testimony of Richard Lau.

1 WITHDRAWN by Defendants. Defendants reserved the right to  
2 move to exclude Lau's expert testimony, if he offers testimony  
3 that is duplicative of Plaintiffs' other experts at trial.

4 3. Motion to instruct the jury not to consider the current  
5 registration of RL.com, and to exclude evidence of or reference to  
6 this Court's prior summary judgment order in this case.

7 GRANTED. Plaintiffs do not oppose this motion. The parties  
8 shall meet and confer regarding an appropriate instruction  
9 directing the jury to disregard the current registration of RL.com  
10 for the purpose of determining which party is entitled to  
11 ownership of it.

12 IT IS SO ORDERED.

13  
14 Dated: 4/30/2012

  
\_\_\_\_\_  
CLAUDIA WILKEN  
United States District Judge