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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ILLINOIS TOOL WORKS, INC. dba WYNN'S, a Delaware Corp., <div style="text-align: right;">Plaintiff,</div>	vs.	MOC PRODUCTS COMPANY, INC., a California Corp., <div style="text-align: right;">Defendant.</div>
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CASE NO. 09CV1887 JLS (MDD)

**ORDER GRANTING *EX PARTE*
MOTION FOR PERMISSION TO
BRIEF WILLFULNESS**

(ECF No. 291)

Presently before the Court is MOC Products Company, Inc.'s ("MOC") *Ex Parte* Motion for Permission to Brief Willfulness Either as Part of the Briefing Previously Ordered by the Court or Separately in Light of *Bard v. W.L. Gore & Associates*, 682 F.3d 1003 (Fed. Cir. 2012). (*Ex Parte* Mot., ECF No. 291) Also before the Court is a response filed by Plaintiff Illinois Tool Works, Inc. d/b/a Wynn's ("ITW"). (Resp., ECF No. 292) ITW does not oppose additional briefing on the issues identified by MOC,¹ and the Court finds that it would be aided by the parties' comments on the Federal Circuit's recent opinion in *Bard*. Accordingly, the Court **GRANTS** MOC's *ex parte* request.

¹ ITW does oppose MOC's request—to the extent it is making such a request—for the Court to issue a pre-trial ruling on whether the objective prong of willfulness is met. However, the supplemental briefing requested by the Court is not intended as a second round of motions in limine; rather, it is intended to aid the Court and the parties in preparing and finalizing the jury instructions, and in determining how this case should be presented to the Court and to the jury.

