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8	UNITED STATES DISTRICT COURT	
9	SOUTHERN DISTRICT OF CALIFORNIA	
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11	ILLINOIS TOOL WORKS, INC. dba WYNN'S, a Delaware Corp.,	CASE NO. 09CV1887 JLS (MDD)
12	Plaintiff,	ORDER GRANTING EX PARTE MOTION FOR PERMISSION TO
13	vs.	BRIEF WILLFULNESS
14 15	MOC PRODUCTS COMPANY, INC., a California Corp.,	(ECF No. 291)
16	Defendant.	
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18	Presently before the Court is MOC Products Company, Inc.'s ("MOC") Ex Parte Motion	
19	for Permission to Brief Willfulness Either as Part of the Briefing Previously Ordered by the Court	
20	or Separately in Light of Bard v. W.L. Gore & Associates, 682 F.3d 1003 (Fed. Cir. 2012). (Ex	
21	Parte Mot., ECF No. 291) Also before the Court is a response filed by Plaintiff Illinois Tool	
22	Works, Inc. d/b/a Wynn's ("ITW"). (Resp., ECF No. 292) ITW does not oppose additional	
23	briefing on the issues identified by MOC, <sup>1</sup> and the Court finds that it would be aided by the	
24	parties' comments on the Federal Circuit's recent opinion in Bard. Accordingly, the Court	
25	<b>GRANTS</b> MOC's ex parte request.	
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27	<sup>1</sup> 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;	
28	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.	

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1	The parties are <b>HEREBY DIRECTED</b> to address in their supplemental briefs the impact	
2	of Bard as it pertains to the jury instructions and as it pertains to the presentation of this case to the	
3	Court and to the jury. The deadline for the parties to file their supplemental briefs is unchanged:	
4	the initial briefs are due on or before September 10, 2012, and the replies are due on or before	
5	September 17, 2012. The page limitations of the briefs are <b>HEREBY EXTENDED</b> by three	
6	pages each, to eighteen pages and thirteen pages, respectively.	
7	IT IS SO ORDERED.	
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9	DATED: August 31, 2012	
10	Honorable Janis L. Sammatino United States District Judge	
11	Omited States District Judge	
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