

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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TRUSTEES OF BOSTON UNIVERSITY,		)	
Plaintiff,		)	
		)	Consolidated Civil Action No.
v.		)	12-11935-PBS
		)	
EVERLIGHT ELECTRONICS CO., LTD.,		)	
et al.,		)	
Defendants.		)	
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TRUSTEES OF BOSTON UNIVERSITY,		)	
Plaintiff,		)	
		)	Civil Action No. 12-12326-PBS
v.		)	
		)	
EPISTAR CORPORATION, et al.,		)	
Defendants.		)	
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TRUSTEES OF BOSTON UNIVERSITY,		)	
Plaintiff,		)	
		)	Civil Action No. 12-12330-PBS
v.		)	
		)	
LITE-ON INC., et al.,		)	
Defendants.		)	
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ORDER

October 20, 2015

Saris, C.J.

The defendants have filed a Daubert Motion/Motion in Limine to exclude BU's expert infringement testimony based upon unreliable and undisclosed testing (Docket No. 1407). BU has opposed the motion (Docket No. 1436). After a review of the papers, I DENY the defendants' motion for the following reasons.

The defendants do not challenge the qualifications of BU's experts or their employed methodology. The focus appears to be on the failure of the experts to properly disclose their testing data and the images used to form their opinions. BU has demonstrated that it has produced the underlying data and images by citing to disclosures filed on the docket. The defendants are also challenging the interpretation of the data by BU's experts. The issue of data interpretation, and the other issues raised by the defendants, like chain of custody for the tested samples, properly go to the weight and not to the admissibility of the expert evidence.

The defendants' Daubert Motion/Motion in Limine (Docket No. 1407) is **DENIED**.

/s/ PATTI B. SARIS  
Patti B. Saris  
Chief United States District Judge