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5   **UNITED STATES DISTRICT COURT**

6   **DISTRICT OF NEVADA**

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8   BALLY TECHNOLOGIES, INC.   )
)
9   Plaintiff,   )   Case No. 2:10-cv-00440-PMP-GWF
)
10   vs.   )   **ORDER**
)
11   BUSINESS INTELLIGENCE SYSTEMS   )   **Motion in Limine or to Compel**
     SOLUTIONS, INC.   )   **Production - #121**
)
12   )
                               Defendant.   )
13   _____)

14   This matter is before the Court on Plaintiff's Sealed Motion in Limine or to Compel

15   Production of BIS2's Source Code (#121), filed on November 23, 2011; Defendant's Sealed

16   Opposition to Plaintiff's Motion in Limine or to Compel Production of BIS2's Source Code (#122),

17   filed on December 12, 2011; and Plaintiff's Reply in Support of its Motion in Limine or to Compel

18   Production of BIS2's Source Code (#127), filed on December 22, 2011. The Court conducted a

19   hearing in this matter on January 18, 2012. Plaintiff appeared at the hearing by and through its

20   counsel Michael D. Rounds, Esq. Defendant appeared at the hearing by and through its counsel

21   Robert W. Busby, Esq. and Michael N. Feder, Esq.

22   **DISCUSSION**

23   Based on the statements and representations made by Plaintiff's and Defendant's counsel

24   during the hearing on this motion, the parties agree that testimony at trial regarding the source code

25   for the allegedly infringing software product(s) will be limited to Defendant's 3.0 source code.

26   Accordingly,

27   **IT IS HEREBY ORDERED** that Plaintiff's Sealed Motion in Limine or to Compel

28   Production of BIS2's Source Code (#121) is **granted** as follows: Testimony at trial regarding the

source code for the allegedly infringing software product(s) will be limited to Defendant's 3.0 source code.

     DATED this 18th day of January, 2012.

_____
GEORGE FOLEY, JR.
United States Magistrate Judge