

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:07-cv-00347-D

LULU ENTERPRISES, INC.,

Plaintiff,

vs.

HULU, LLC, et al.,

Defendants.

**ORDER**

This matter is before the Court on the motion of Defendant Hulu, LLC for an order excluding the surveys and reports of Plaintiff's expert witnesses (1) Hal Poret and Robert Reitter (of Guideline Research) and (2) Ken Van Liere (of NERA Economic Consulting) (collectively, "Plaintiff's Expert Reports"), from the Court's consideration for failing to satisfy the requirements for expert testimony set forth by the U.S. Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 579-80 (1993).

NOW THEREFORE, upon consideration of the record and the parties' positions and pursuant to the provisions of Rule 7 of the Federal Rules of Civil Procedure, Local Civil Rule 7.1, EDNC, and Rule 702 of the Federal Rules of Evidence, it is ordered that Plaintiff's Expert Reports shall be excluded from the Court's consideration related to Plaintiff's Motion for Preliminary Injunction.

It is so ordered this the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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JAMES C. DEVER, III  
UNITED STATES DISTRICT JUDGE