

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BRIGHT RESPONSE, LLC

§

vs.

§

CASE NO. 2:07-CV-371-CE

§

GOOGLE, INC., ET AL.

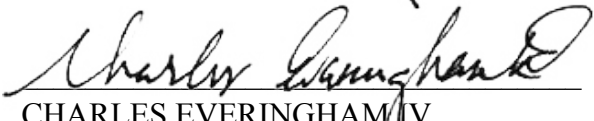
§

§

ORDER

Pending before the court is the defendant Google, Inc.'s ("Google") motion to preclude portions of the plaintiff Bright Response's ("Bright Response") expert report (Dkt. No. 386). Google argues that expert report provided by Dr. V. Thomas Rhyne, Bright Response's technical expert, relies on infringement theories that were not adequately disclosed in the plaintiff's interrogatory responses. According to Google, Bright Response's interrogatory responses are "incoherent." Google received these responses on April 29, 2010 but did not file a motion to compel the plaintiff to provide clearer responses. Furthermore, Google deposed Dr. Rhyne after Bright Response served the expert report, and thus had the opportunity to question Dr. Rhyne about his infringement opinions. As such, the court concludes that Google has suffered no harm from Bright Response's alleged inadequate disclosure of its infringement theories. *See* Fed. R. Civ. P. 37(c)(1). Therefore, the court DENIES Google's motion to preclude.

SIGNED this 22nd day of July, 2010.


 CHARLES EVERINGHAM IV
 UNITED STATES MAGISTRATE JUDGE