

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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|-----------------------|---|---------------------------------|
| BRIGHT RESPONSE, LLC, | § | Civil Action No. 2:07-cv-371-CE |
| | § | |
| Plaintiff, | § | |
| | § | JURY TRIAL DEMANDED |
| v. | § | |
| | § | |
| GOOGLE INC., et al., | § | |
| | § | |
| Defendants. | § | |

PROPOSED ORDER GRANTING BRIGHT RESPONSE, LLC'S MOTION TO EXCLUDE EXPERT TESTIMONY FROM DR. L. KARL BRANTING REGARDING WRITTEN DESCRIPTION UNDER *DAUBERT* AND RULE 702 OF THE FEDERAL RULES OF EVIDENCE

On this date, the Court considered Bright Response, LLC's Motion to Exclude Expert Testimony From Dr. L. Karl Branting Regarding Written Description Under *Daubert* And Rule 702 of the Federal Rules of Evidence. Having considered the parties' respective positions and arguments regarding the motion, the Court finds that the motion should be GRANTED.

It is therefore ordered that paragraphs 276 and 277 of Dr. Branting's expert report shall be stricken and Dr. Branting may not opine regarding the sufficiency of the written description of the '947 patent.