

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

BRIGHT RESPONSE, LLC

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vs.

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

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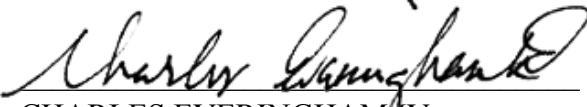
GOOGLE INC., ET AL.

§

ORDER

Pending before the court is the plaintiff Bright Response, LLC’s (“Bright Response”) motion to reconsider or clarify (Dkt. No. 575) the court’s denial of the plaintiff’s motion *in limine* no. 14. Bright Response’s motion is GRANTED in part. The court grants the motion *in limine* as to “any reference to or comment regarding the fact that Bright Response is no longer asserting certain claims of the ‘947 patent against any of the Defendants, or the fact that Bright Response had a broader number of claims at one time and is now bringing a smaller number of claims.” The defendants are precluded from stating that a particular claim was at one time asserted and is now not asserted, but this order does not prevent the Defendants from saying in front of the jury that particular claims of the ‘947 patent are not have not been asserted. But Bright Response’s request to preclude “[a]ny reference by Google, AOL, or Yahoo to invalidity of claims that were not charted and timely disclosed in the Defendants. P.R. 3-3 Invalidity Contentions” remains denied, as it is not the proper subject of a motion *in limine*. The court will address Bright Response’s argument at the evidentiary hearing.

SIGNED this 2nd day of August, 2010.



CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE