

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

NORTHEASTERN UNIVERSITY and
JARG CORPORATION

Plaintiffs,

v.

GOOGLE INC.

Defendant.

Case No. 2:07-CV-486-CE

JURY TRIAL DEMANDED

[PROPOSED] AGREED IN LIMINE ORDER

Advised of the parties' agreement, the Court orders the parties and their counsel to refrain in the presence of the jury from (i) making any reference, mention, statement, suggestion, or allusion to, (ii) giving any testimony or making any arguments concerning, or (iii) introducing any exhibits (collectively, "any reference") with respect to the matters set forth below without first approaching the bench and obtaining permission from the Court:

1. Any reference to settlement communications between or among the parties, including (but not limited to) any alleged offer to dismiss any parties or causes of action.
2. Any reference asserting patent infringement or invalidity that relies on claim constructions other than those ordered by the Court and/or any expert opinions on issues of claim construction.
3. Objections made by any party to exhibits, deposition notices, deposition designations, interrogatories, interrogatory answers, and deposition questions and testimony, which the Court will rule on separately; the parties do not waive these objections but rather agree that the objections shall be maintained for the Court and need not be argued in front of the jury.
4. Any reference to Google's equitable defenses, including laches, unclean hands, equitable estoppel, and waiver.
5. Any reference to the number of attorneys retained by the parties, any alleged business dealing with those attorneys, and/or any negative characterization of those attorneys, including without limitation, any reference to counsel for any party as representing any high-profile clients unrelated to this case.

6. Any reference to the fee arrangements between the parties and their attorneys or the attorneys' fees paid by the parties to their attorneys, which are not before the jury.

7. Any objection, instruction, or sidebar discussions from being raised or otherwise referred to in front of the jury.

8. Any reference to the instructions and verdict form ultimately submitted to the jury as Plaintiffs' or Defendants' or otherwise identifying any instructions or verdict form with a particular party.