

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**BEDROCK COMPUTER,  
TECHNOLOGIES, LLC**

**Plaintiff,**

v.

**SOFTLAYER TECHNOLOGIES,  
INC., ET AL.**

**Defendants.**

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**No. 6:09cv269 LED-JDL**

**JURY DEMANDED**

**ORDER**

The Court previously ordered that leave of Court must be obtained before any motion for summary judgment may be filed. (Doc. No. 339). Defendants’ request for leave to file a motion for summary judgment of non-infringement of U.S. Patent No. 5,893,120 (“the ‘120 patent”) (Doc. No. 382) is **GRANTED**. Defendants’ request for leave to file a motion for summary judgment of invalidity of all asserted claims of the ‘120 patent (Doc. No. 386) is **GRANTED**.

Defendants’ request for leave to file a motion for summary judgment on the issue of damages is (Doc. No. 383) is **DENIED**. Defendants, however, are not precluded from filing letter briefs seeking permission to file motions to strike or *Daubert* motions related to the issue.

In addition, the following requests for leave to file motions for summary judgment are **DENIED**:

- Defendants’ request regarding patent-eligible subject matter under 35 U.S.C. § 101 (Doc. No. 385);
- Plaintiff’s request regarding insufficient evidence to establish lack of standing (Doc.

No. 387);

- Plaintiff's request regarding insufficient evidence to establish inequitable conduct and unclean hands (Doc. No. 388) and equitable estoppel (Doc. No. 389);
- Google Inc.'s request concerning non-infringement (Doc. No. 390); and
- AOL Inc.'s request concerning non-infringement (Doc. No. 398).

**So ORDERED and SIGNED this 1st day of February, 2011.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE