

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

BEDROCK COMPUTER  
TECHNOLOGIES LLC,

Plaintiff,

v.

SOFTLAYER TECHNOLOGIES, INC., et  
al.,

Defendants.

CASE NO. 6:09–CV–00269

Hon. John D. Love

**JURY TRIAL DEMANDED**

**MOTION FOR LEAVE TO EXCEED TEN MOTIONS IN LIMINE**

Defendants SoftLayer Technologies, Inc., Yahoo! Inc., Google, Inc., MySpace, Inc., Amazon.com Inc., Match.com LLC and AOL Inc. (collectively “Defendants”) file this opposed Motion for Leave to Exceed Ten Motions in Limine. In anticipation of the Pre-Trial conference scheduled for March 24, 2011, Defendants have worked diligently with each other and with Plaintiff Bedrock Computer Technologies, LLC (“Bedrock”) to appropriately condense and reduce the number of pre-trial disputes this Court will be asked to resolve. Nonetheless, despite good faith efforts, Defendants have not been able to agree on just ten issues that they request be kept from the jury. Accordingly, Defendants seek leave to file sixteen (16) total Motions in Limine to resolve these issues for both trials.<sup>1</sup>

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<sup>1</sup> As elected by Bedrock on March 10, 2011, Defendants Google, Inc. and Match.com LLC will proceed to trial on April 11, 2011. Upon completion of that trial, Defendants Softlayer Technologies, Inc., Yahoo! Inc., MySpace, Inc., Amazon.com Inc. and AOL Inc. will proceed to trial “as soon thereafter as the Court’s business permits.” See Doc. No. 540.

Defendants fully appreciate instructions previously given by this Court that parties are to “make their best efforts to resolve all of their disputes in a mutually agreeable manner prior to requesting the Court to resolve outstanding disputes at Pre-Trial.” *Konami v. Harmonix*, No. 6:08-cv-286, slip op. at \*2 (E.D. Tex. Mar. 16, 2010). Defendants additionally appreciate the Court’s intent behind limiting the number of Motions of Limine to a manageable number. In order for each party to adequately represent its interests, however, there is a decided need for additional Motions in Limine so as to have guidance and certainty heading into trial. This is not a situation where there is one plaintiff and one defendant. Instead, many of the issues that will be disputed at Pre-Trial are the direct result of having multiple defendants joined in a single action. The negotiations for the Motions in Limine are further complicated by the reality that Defendants’ Motions in Limine must suffice for two trials that will engage different jurors, with each trial having its own themes and factual circumstances.

Defendants respectfully request that the Court provide rulings “on matters for which the parties cannot reach agreement.” *See Konami v. Harmonix*, No. 6:08-cv-286, slip op. at \*2 (E.D. Tex. Mar. 16, 2010). In turn, Defendants will endeavor to “work with local counsel to formulate a trial plan with a reasonable number of witnesses and exhibits to be presented to the jury at trial, as well as to make their best efforts to resolve any foreseeable disputes before the Court’s involvement at the Pre-Trial stage.” *See id.*

For the foregoing reasons, Defendants Motion for Leave to Exceed Ten Motions in Limine should be granted.

Dated: March 14, 2011

*/s/ Christopher D. Bright*

Christopher D. Bright

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**CERTIFICATE OF CONFERENCE**

Counsel for Yahoo! conferred via electronic mail and on the telephone with counsel for Bedrock concerning all matters relating to the Motions in Limine filed herein. Bedrock opposes this Motion.

/s/ Christopher D. Bright  
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Christopher D/ Bright

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 14, 2011, all counsel of record for Plaintiff who have or are deemed to have consented to electronic service are being served with a copy of this document via electronic mail.

/s/ Christopher D. Bright  
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