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

BEDROCK COMPUTER	§	
TECHNOLOGIES LLC,	§	
	§	
Plaintiff,	§	
	§	CASE NO. 6:09-cv-269-LED
V.	§	
	§	Jury Trial Demanded
SOFTLAYER TECHNOLOGIES, INC.,	§	
CITIWARE TECHNOLOGY	§	
SOLUTIONS, LLC, GOOGLE INC.,	§	
YAHOO! INC., MYSPACE INC.,	§	
AMAZON.COM INC., PAYPAL INC.,	§	
MATCH.COM, INC., AOL INC., AND	§	
CME GROUP INC.,	§	
	§	
Defendants.	§	

PLAINTIFF BEDROCK COMPUTER TECHNOLOGIES LLC'S RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO EXCEED TEN MOTIONS IN LIMINE [DKT. #589]

Plaintiff Bedrock opposes Defendants' Motion for Leave to Exceed Ten Motions *in*Limine [Dkt. #589] and would show the Court the following:

The parties traded drafts of their proposed motions *in limine* on March 8, 2011. Defendants proposed 16 motions *in limine*, and Bedrock proposed 28 motions *in limine*. Thereafter, the parties engaged in telephonic meet and confers during which the parties reached agreement on a number of their proposals.

On March 15, 2011, Bedrock filed nine motions *in limine*, and Defendants filed sixteen motions *in limine*. Bedrock argued its motions *in limine* within Local Rule 7's 15-page

requirement. Defendants' Motion exceeded Local Rule 7's 15-page limit by almost three times—Defendants' Motion is 44 pages long.¹

Defendants seek to litigate the case and eliminate evidence on motions *in limine*. A review of Defendants' Motions *in Limine* show that Defendants not only disregarded the Court's ten-motion limit; the Defendants also ignored the Court's admonition that motions *in limine* are appropriate only for those things that will create the proverbial "skunk in the jury box" if mentioned in front of the jury before an evidentiary ruling can be made. *See* Docket No. 339.

Because the Defendants used their motions *in limine* inappropriately and exceeded the number allotted by the Court, Bedrock opposes Defendants' Motion For Leave to Exceed Ten Motions *in Limine*.

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¹ At approximately 9:00 p.m. on March 16, 2011, Defendants filed amended motions in limine, decreasing the page count to 17, which number is still violative of the Court's Local Rule 7.

Dated: March 16, 2011.

Respectfully submitted,

McKOOL SMITH, P.C.

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CERTIFICATE OF SERVICE

The undersigned certifies that, on March 16, 2010, the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Jason D. Cassady

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