

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

**BEDROCK COMPUTER,
TECHNOLOGIES, LLC**

v.

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

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No. 6:09cv269 LED-JDL

JURY DEMANDED

ORDER

Before the Court is Bedrock Computer Technologies LLC’s (“Bedrock”) Motions *in Limine* (Doc. No. 587) and Defendants’ Amended Motions *in Limine* (Doc. No. 604). The Court heard argument on March 24, 2011. Upon consideration of the parties’ arguments, the Court **ORDERS** as follows.

I. Bedrock’s Motions *in Limine*

Motion	Subject of Motion	Disposition
A.	Any evidence, testimony, or references to the USPTO’s Feb. 22, 2011 decision granting ex parte reexamination of the ‘120 patent	Deferred
B.	Any evidence, testimony, or reference implying that Bedrock is not the owner of the ‘120 patent	Granted
C.	Any evidence, testimony, or references implying that Dr. Garrod’s and/or Lotvin’s involvement in this litigation violates any ethical rule in light of their representation of non-Bedrock entities	Granted as Agreed
D.	Any evidence, testimony, reference, attorney argument, or other comment regarding the divorce or separation proceedings of Dr. Garrod or the divorce proceedings or prenuptial agreement of Dr. Nemes	Granted

E.	Any evidence, testimony, or references implying that the copying of portions of claims and/or specifications from the '495 patent is improper and/or violates the patent laws, copyright laws, or is in violation of Bellcore/Telcordia's property rights	Granted as Instructed and Agreed
F.	Any evidence, testimony, or reference to any experts' previous and/or current retention by counsel for Bedrock	Deferred
G.	Evidence, testimony, attorney argument, or other comments concerning the contingent fee arrangement between Bedrock and its trial counsel, McKool Smith, P.C., and Parker, Bunt, and Ainsworth	Granted as Agreed
H.	Any evidence, testimony, or reference to Defendants' patents that might cover the accused products	Granted as Instructed
I.	Evidence, testimony, attorney argument, or other comments regarding Bedrock's withdrawal of any patent claims or modifications made to those claims during reexamination or regarding products no longer accused of infringement	Granted as to withdrawn claims; Denied as to changes made during reexamination and versions and products no longer accused

II. Defendants' Motions *in Limine*

Motion	Subject of Motion	Disposition
1.	Preclude Plaintiff from offering testimony, evidence or argument about Defendants' revenues	Granted as to overall revenue, otherwise Denied
3.	Preclude Plaintiff from offering testimony, evidence or argument regarding statements by third-parties about the Linux routing cache and denial of service	Denied
4.	Preclude Plaintiff from offering testimony, evidence or argument regarding the reexaminations of the '120 patent	Deferred
5.	Preclude Plaintiff from offering testimony, evidence or argument regarding lay witness statements	Deferred

	regarding validity or infringement	
6.	Preclude Plaintiff from referring to code in unaccused versions of Linux when arguing or otherwise attempting to establish infringement	Denied
7.	Preclude any mention of denial of service attacks that do not relate to the routing cache	Granted as to WikiLeaks, otherwise Denied
8.	Preclude evidence, argument, or reference to Google's modified 2.6.34 code as infringing	Denied
10.	Preclude evidence of Discovery disputes, this Court's Orders on discovery disputes, or any allegations of litigation misconduct	AGREED
11.	Preclude Dr. Jones' testimony regarding secondary factors of non-obviousness	Denied
12.	Preclude any mention of (a) other litigation and (b) the Court's rulings in this case	Granted as Instructed , otherwise Denied
13.	Defendant MySpace, Inc.'s motion to preclude the introduction of evidence or argument that MySpace allegedly attempted to mislead or conceal information concerning MySpace's system	Granted
14.	Preclude any argument or suggestion that (a) a non-AOL or non-Google defendant's decision to not remove the accused code is evidence of alleged infringement, or (b) a defendant's removal of the accused code is evidence of infringement	Denied
15.	Preclude Dr. Mark Jones from offering opinions as to testing by expert Aaron Turner due to Dr. Jones' lack of opinions on this testing	Granted as Agreed
16.	Preclude evidence that third parties have used or attempted to use defendants' websites for unlawful or immoral purposes	AGREED

So **ORDERED** and **SIGNED** this 25th day of March, 2011.