

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

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PHILLIP M. ADAMS & ASSOCIATES,  
LLC, a Utah Limited Liability Company,

Plaintiff,

vs.

WINBOND ELECTRONICS  
CORPORATION, ASUS COMPUTER  
INTERNATIONAL, MICRO-STAR  
INTERNATIONAL CORP., LTD, AND  
MSI COMPUTER CORP., et al.,

Defendants.

MEMORANDUM DECISION AND  
ORDER DENYING MSI'S MOTION  
IN LIMINE NO. 19 TO EXCLUDE  
ARGUMENT OR EVIDENCE THAT  
ADAMS IS ENTITLED TO  
DAMAGES FROM MSI FOR MSI'S  
SALES THAT PREDATE JUNE 26,  
2007

Case No. 1:05-CV-64 TS

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MSI<sup>1</sup> moves to exclude evidence and argument that Plaintiff is entitled to damages from MSI from MSI's U.S. sales that pre-date June 26, 2007 for the failure to comply with

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<sup>1</sup>MSI Computer Corporation and Micro-Star International Corporation, Ltd.

the marking requirement of 35 U.S.C. § 287. ASUS<sup>2</sup> joins the Motion.<sup>3</sup>


For the reasons stated in its Memorandum Decision and Order Denying Summary Judgment Limiting Damages,<sup>4</sup> it is

ORDERED that MSI's Motion in Limine No. 19 to Exclude Argument or Evidence that Plaintiff is Entitled to Damages from MSI's sales that Predate June 26, 2007, under 35 U.S.C. § 287 and FRE 402 (Docket No. 1475) is DENIED. It is further

ORDERED that the Motion is also DENIED as joined by ASUS (Docket No. 1481). Therefore, the Motion for Joinder at Docket No. 1481 is MOOT.

DATED September 8, 2010.

BY THE COURT:



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TED STEWART  
United States District Judge

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<sup>2</sup>Asustek Computer and Asus Computer Intl.

<sup>3</sup>ASUS argues that the damages should be excluded if they pre-date its actual notice, which it argues was February 22, 2005, for some claims and November 2, 2006, for others. Docket No. 1481 at 2.

<sup>4</sup>Docket No. 1670.