

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROCKWELL AUTOMATION, INC. and
ROCKWELL AUTOMATION
TECHNOLOGIES, INC.,

Plaintiffs,

ORDER

v.

10-cv-718-wmc

WAGO CORPORATION and WAGO
KONTAKTTECHNIK GMBH & CO. KG,

Defendants.

Having reviewed plaintiffs' deposition designations and objections thereto, the court makes the following rulings. The approved designations may be presented to the jury unless the witness is available to testify in person. Plaintiffs shall remove the following from the approved designations: (1) all objections; (2) any "strike that" references or similar language and the preceding question; (3) any complaints about the opposing party's failure to timely produce documents; and (4) any document requests.

Jens Alder (August 23, 2012)

Plaintiffs' Designations	Defendants' Objections	Defendants' Counter-designations	Plaintiffs' Counter-objections	Ruling
9:5-9				
10:1-6				
11:21-12:2		13:9-14:18		Omit defendants' counter-designations.

Plaintiffs' Designations	Defendants' Objections	Defendants' Counter-designations	Plaintiffs' Counter-objections	Ruling
15:16-19	RELEVANCE	15:20-16:1		Sustained; omit defendants' counter-designations.
17:11-15	RELEVANCE			Sustained.
18:12-18	RELEVANCE			Sustained.
18:19-19:8	RELEVANCE			Sustained.
19:9-15	RELEVANCE			Sustained.
19:22-20:2	RELEVANCE			Sustained.
20:3-20:5	RELEVANCE			Sustained.
21:14-17				
22:11-23:13	RELEVANCE			Sustained.
28:22-25				
31:1-16	RELEVANCE			Sustained as to liability; overruled as to damages.
32:2-34:12				
34:13-18				
37:24-38:19				
38:20-39:11	FRE 408; RELEVANCE	39:12-13		Sustained.
43:12-20		40:13-43:11		
43:21-44:4	FRE 408; RELEVANCE			Sustained.
44:24-45:2	FRE 408; RELEVANCE			Sustained.
45:19-25	RELEVANCE			Sustained as to liability; overruled as to damages.
47:4-8; 47:13-16	RELEVANCE			Sustained as to liability; overruled as to damages.
49:22-24	RELEVANCE			Sustained as to liability; overruled as to damages.

Plaintiffs' Designations	Defendants' Objections	Defendants' Counter-designations	Plaintiffs' Counter-objections	Ruling
51:10-19	RELEVANCE			Sustained as to liability; overruled as to damages.
51:25-52:20	RELEVANCE			Sustained as to liability; overruled as to damages.
57:6-58:10	RELEVANCE			Sustained as to liability; overruled as to damages.
58:23-59:2				

Kurt Braun (August 28, 2012)

Plaintiffs' Designations	Defendants' Objections	Defendants' Counter-designations	Plaintiffs' Counter-objections	Ruling
4:4-15				
5:11-13				
11:16-12:25				
14:2-16:24	FOUNDATI ON; SPECULATI ON			Sustained in part; overruled in part; omit 16:8-15.
17:18-20:13				
20:23-21:18	FOUNDATI ON; SPECULATI ON			Overruled.
22:9-23:22				
25:1-26:25				
27:1-13				
30:14-24				
30:25-31:2				
31:3-32:25	RELEVANCE			Sustained in part; overruled in part; omit 31:3-20.
33:13-34:23				
35:11-21				
36:9-25				

Plaintiffs' Designations	Defendants' Objections	Defendants' Counter-designations	Plaintiffs' Counter-objections	Ruling
37:1-17				
38:19-40:25				
41:1-25				
42:8-15		42:1-7, 16-18		
42:19-43:15				
43:23	INCOMPLETE			Sustained; either include 43:24-44:2 or omit 43:23.
45:13-47:7				
47:18-48:25				
49:1-55:5	BEST EVIDENCE; FOUNDATION			Sustained in part; overruled in part; omit 54:3-5.
56:25-58:20				
59:5-60:12				
60:22-62:13				
62:17-63:3				
63:4-64:5				
64:6-18				
65:22-67:25	BEST EVIDENCE; FOUNDATION			Overruled.
68:1-25-74:25				
75:1-10				
75:11-76:25				
77:1-78:2				
79:1-80:25				
81:1-23				
82:18-83:15				
84:25-88:15				
88:16-89:14				
90:3-17				
92:1-23				
97:25-98:18				
99:10-105:9				
105:10-106:9				

Plaintiffs' Designations	Defendants' Objections	Defendants' Counter-designations	Plaintiffs' Counter-objections	Ruling
106:15-108:19				
108:24-110:13				
111:7-112:8				

Sven Hohorst (August 23, 2012)

Plaintiffs' Designations	Defendants' Objections	Defendants' Counter-designations	Plaintiffs' Counter-objections	Ruling
10:3-9; 10:19-20				
11:1-3				
14:23-15:4				
15:18-23				
16:2-22:8	RELEVANCE			Overruled in part; sustained in part; omit 16:2-19:6. The court will take judicial notice of the testimony concerning ownership and organizational structure of the various WAGO entities.
22:23-26:18	RELEVANCE			Sustained.
26:22-25	RELEVANCE			Sustained.
27:8-12	RELEVANCE			Sustained. The court will take judicial notice of the testimony concerning the WAGO entity which holds WAGO's patents.
28:6-29:23	RELEVANCE			Sustained. The court will take judicial notice of the testimony concerning the WAGO entity which holds WAGO's patents.
30:9-32:2	RELEVANCE			Sustained. The

Plaintiffs' Designations	Defendants' Objections	Defendants' Counter-designations	Plaintiffs' Counter-objections	Ruling
				court will take judicial notice of the testimony concerning the WAGO entity which holds WAGO's patents.
32:4-11	RELEVANCE			Sustained.
32:12-33:25	RELEVANCE			Sustained as to liability; overruled as to damages.
34:2-20	RELEVANCE			Sustained as to liability; overruled as to damages.
35:2-6	RELEVANCE			Sustained. The court will take judicial notice of WAGO's business units.
35:17-24	RELEVANCE			Sustained. The court will take judicial notice of WAGO's business units.
35:25-36:23	RELEVANCE			Sustained. The court will take judicial notice of WAGO's business units.
37:3-5	RELEVANCE			Sustained as to liability; overruled as to damages.
38:9-39:9	RELEVANCE; COMPOUND			Sustained as to liability; overruled as to damages.
40:12:15	RELEVANCE			Sustained as to

Plaintiffs' Designations	Defendants' Objections	Defendants' Counter-designations	Plaintiffs' Counter-objections	Ruling
				liability; overruled as to damages.
42:8-24	RELEVANCE			Sustained as to liability; overruled as to damages.
42:25-43:7				
43:8-11				
46:5-18	RELEVANCE			Sustained as to liability; overruled as to damages.
50:19-23				
50:24-51:5				
51:6-11				
52:15-53:13	RELEVANCE			Sustained as to liability; overruled as to damages.
54:2-55:1				
55:16-56:12	RELEVANCE	56:18-23		Overruled.
57:14-17	RELEVANCE	57:1-13, 19-21		Sustained.
57:22-58:1	RELEVANCE			Sustained.
58:14-59:6	RELEVANCE			Overruled.
59:7-23	RELEVANCE	59:24-60:3		Overruled.
60:4-61:9				
61:10-15				
61:20-62:6				
62:7-13		62:12-14		
63:23-65:21	RELEVANCE			Overruled.
68:6-69:22				
69:23-70:16				
71:9-25				
72:1-12				
73:14-25				
76:23-82:7	RELEVANCE			Sustained as to liability; overruled as to damages.

Plaintiffs' Designations	Defendants' Objections	Defendants' Counter-designations	Plaintiffs' Counter-objections	Ruling
82:8-84:12	RELEVANCE			Sustained.
85:3-22	RELEVANCE			Sustained as to liability; overruled as to damages.
86:3-25	RELEVANCE			Sustained as to liability; overruled as to damages.
87:9-91:20	RELEVANCE			Sustained as to liability; overruled as to damages.
91:21-98:9	RELEVANCE			Sustained as to liability; overruled as to damages.
98:15-100:10	RELEVANCE			Sustained as to liability; overruled as to damages.
100:15-103:25	RELEVANCE			Sustained as to liability; overruled as to damages.
104:1-8	RELEVANCE			Sustained as to liability; overruled as to damages.
105:17-107:25	RELEVANCE			Sustained as to liability; overruled as to damages.
108:1-12				
108:25-112:16	RELEVANCE			Sustained.
113:1-114:15	RELEVANCE			Sustained.
116:14-117:25	RELEVANCE			Sustained.
119:25-121:8	RELEVANCE			Sustained.

Plaintiffs' Designations	Defendants' Objections	Defendants' Counter-designations	Plaintiffs' Counter-objections	Ruling
121:23-25	RELEVANCE			Sustained.
122:1-7	RELEVANCE			Sustained.
122:17-123:1	RELEVANCE			Sustained.
123:15-124:6	RELEVANCE			Sustained.
124:10-126:2	RELEVANCE			Sustained.
126:10-127:3				
127:10-128:2				
128:17-21				
129:16-130:13				
130:21-133:24	RELEVANCE			Sustained.
133:25-136:9	RELEVANCE			Sustained.
136:19-138:1	RELEVANCE			Sustained.
138:14-25	RELEVANCE; PRIVILEGED			Sustained.
139:1-25	RELEVANCE			Sustained.
140:5-14	RELEVANCE			Sustained.
140:15-151:6	RELEVANCE			Sustained as to liability; overruled as to damages.
151:9-154:13	RELEVANCE			Sustained as to liability; overruled as to damages.

Entered this 3rd day of October, 2012.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge