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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE NEO WIRELESS, LLC
PATENT LITIG.

Case No. 2:22-md-03034-TGB
HON. TERRENCE G. BERG
JURY TRIAL DEMANDED

**PLAINTIFF NEO WIRELESS, LLC’S BRIEF IN
OPPOSITION TO DEFENDANTS’ MOTION TO EXCLUDE**

FILED UNDER SEAL

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STATEMENT OF ISSUES PRESENTED

1. Under Rule 702, where an expert’s opinion has “some sort of explanation, the issue . . . should be left to the trier of fact.” *Teenier v. Charter Commc’ns, LLC*, No. 16-CV-13226, 2017 WL 3141051, at *4 (E.D. Mich. July 25, 2017). Given that Neo’s damages expert’s opinion is based on executed license agreements, including their agreed underlying framework, for the asserted patents between Neo and similarly situated parties, should the jury hear Ms. Harvey’s opinions rooted in the specific facts of this case?

Answer: Yes.

2. Under Rule 702, where an expert’s opinion has “some sort of explanation, the issue . . . should be left to the trier of fact.” *Teenier v. Charter Commc’ns, LLC*, No. 16-CV-13226, 2017 WL 3141051, at *4 (E.D. Mich. July 25, 2017). Given Neo’s technical experts’ opinions related to source code are reliable and utilize corroborating evidence and experience, should the jury hear Dr. Mahon’s and Mr. Jones’s opinions on the voluminous source code production they analyzed for this case?

Answer: Yes.

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MOST APPROPRIATE AND CONTROLLING AUTHORITIES

Motion to Exclude the Opinions of Bonnie Harvey

Federal Rule of Evidence 702

EcoFactor, Inc. v. Google LLC, 104 F.4th 243 (Fed. Cir. 2024)

Pavo Solutions LLC v. Kingston Tech. Co., 35 F.4th 1367 (Fed. Cir. 2022)

Vectura Ltd. v. Glaxosmithkline LLC, 981 F.3d 1030 (Fed. Cir. 2020)

Bledsoe v. FCA US LLC, 4:16-cv-14024-TGB-RSW, 2022 WL 4596156
(E.D. Mich. Sept. 30, 2022) (Berg, J.)

Teenier v. Charter Commc 'ns, LLC, No. 16-CV-13226, 2017 WL 3141051
(E.D. Mich. July 25, 2017)

Motion to Exclude the Opinions of Mr. Jones and Dr. Mahon

Federal Rule of Evidence 702

Bledsoe v. FCA US LLC, 4:16-cv-14024-TGB-RSW, 2022 WL 4596156
(E.D. Mich. Sept. 30, 2022) (Berg, J.)

Teenier v. Charter Commc 'ns, LLC, No. 16-CV-13226, 2017 WL 3141051
(E.D. Mich. July 25, 2017)

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