

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

ERICSSON INC., et al.,

Plaintiffs,

vs.

D-LINK CORPORATION, et al.,

Defendants.

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CASE NO. 6:10-CV-473

ORDER

Before the Court are the following Motions: (1) Defendant Dell’s Motion for Leave to file its Second Amended Answer (Docket No. 301); (2) Ericsson’s Motion to Strike David Cabello (Docket No. 361); (3) Ericsson’s Motion for Partial Summary Judgment that Certain References are not Prior Art (Docket No. 362); (4) Ericsson’s Motion to Strike Expert Testimony Relating to Undisclosed Non-Infringing Alternatives (Docket No. 363); (5) Defendants’ Motion to Exclude Scott Nettles (Docket No. 365); (6) Defendants’ Motion for Summary Judgment of Non-Infringement (Docket No. 371); and (7) Defendants’ Motion to Strike Nettles’s Supplemental Report (Docket No. 392). The Court heard oral argument on May 9, 2013. At the hearing, the Court resolved the Motions as follows:

- Defendant Dell’s Motion for Leave to file its Second Amended Answer (Docket No. 301) is **GRANTED**.
 - Ericsson may file a motion to exclude testimony relating to Dell’s license by Tuesday, May 14, 2013.

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- The Court will not resolve Ericsson's Motion to Strike David Cabello (Docket No. 361) at this time.
 - The parties are **ORDERED** to meet and confer to attempt to narrow the number of disputed issues.
 - The Court will hear further argument regarding this Motion at the pre-trial hearing on May 23, 2013.
- Ericsson's Motion for Partial Summary Judgment that Certain References are not Prior Art (Docket No. 362) is **DENIED**.
 - At the hearing, Defendants stipulated that they would not present the Petras Book at trial. Ericsson subsequently withdrew its Motion with respect to the Petras Book.
- Ericsson's Motion to Strike Expert Testimony Relating to Undisclosed Non-Infringing Alternatives (Docket No. 363) and Defendants' Motion to Strike Nettles's Supplemental Report (Docket No. 392) are both **DENIED**.
 - Ericsson may have one deposition hour for each of Defendants' experts, including their damages experts.
 - Ericsson may have one deposition hour for each of Defendants' corporate representatives. This does not include corporate representatives of the OEM Defendants.
 - Ericsson may supplement its expert reports with regards to non-infringing alternatives.
 - Defendants may have one deposition hour with Dr. Nettles.

- If Defendants believe they need to supplement their expert reports, they may seek leave of the Court.
- Defendants' Motion to Exclude Dr. Scott Nettles (Docket No. 365) is **DENIED**.
- Defendants' Motion for Summary Judgment of Non-Infringement (Docket No. 371) is **DENIED**.

The parties are further **ORDERED** to attend mediation prior to the pre-trial hearing on May 23, 2013.

So **ORDERED** and **SIGNED** this 9th day of May, 2013.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE