

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

BLITZSAFE TEXAS, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
HONDA MOTOR CO., LTD.; AMERICAN HONDA MOTOR CO., INC.; HONDA OF AMERICA MFG., INC.; HONDA MANUFACTURING OF ALABAMA, LLC; AND HONDA MANUFACTURING OF INDIANA, LLC,	§	NO. 2:15-CV-01274 (LEAD CASE)
	§	
	§	
Defendants.	§	
	§	

**DEFENDANTS’ RESPONSE TO BLITZSAFE’S MOTION FOR LEAVE TO EXCEED
PAGE LIMITATIONS**

Defendants do not oppose Blitzsafe’s Motion for Leave to Exceed Page Limitations (Dkt. 107), but Defendants file this response to correct statements made by Blitzsafe to the Court. Blitzsafe’s representation in foot note 1 of its motion is inaccurate. Blitzsafe and Defendants agreed that Defendants would not oppose Blitzsafe requesting the same number of excess pages for its reply brief that Defendants requested for their responsive claim construction brief. *See* 5/27/2016 Email from J. Beauchamp to P. Lambrianakos, attached as Exhibit A. On May 27, Defendants filed their responsive claim construction brief and a motion for leave to exceed their page limitations by two (2) pages. Dkts. 101, 102.

On the morning of the day Blitzsafe’s reply brief was due to be filed, Blitzsafe asked if Defendants would oppose five excess pages. Counsel for the Defendants reminded Blitzsafe that their previous agreement was that Defendants would remain unopposed to Blitzsafe requesting



an equal number of excess pages, which was two pages. Counsel for Defendants stated that although Defendants ultimately may not oppose Blitzsafe's request of five pages, Defendants' counsel needed time to confer with their respective clients, some of whom were overseas and unable to respond before Blitzsafe's filing deadline. Accordingly, Defendants' counsel requested that Blitzsafe style its motion as an opposed motion. Defendants have since had an opportunity to consider Blitzsafe's motion and do not oppose the five additional pages. Defendants have not "refused to provide Blitzsafe with the same courtesy" of agreeing to two excess pages, as Blitzsafe alleges; rather, Defendants have gone beyond the scope of the parties' original agreement to remain unopposed to five extra pages for Blitzsafe to respond to issues that Blitzsafe was long aware Defendants would raise in their brief.¹

¹ Blitzsafe complains that Defendants raised the issues of collateral estoppel and indefiniteness for the first time in its brief. Mot. at 2. But Blitzsafe knew that Defendants intended to raise indefiniteness arguments when it expressly declined Defendants' early offer for an alternative briefing proposal where Defendants would file a separate opening brief for indefiniteness issues on which they had the burden of proof. *See* 5/3/2016 Email from J. Beauchamp to P. Lambrianakos, attached as Exhibit B; *see also* Defendants' P.R. 4-2 Disclosures at 3, attached as Exhibit C.

Dated: June 9, 2016

Respectfully submitted,

/s/ Joseph M. Beauchamp

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