

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

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| BLITZSAFE TEXAS, LLC | § | |
| | § | |
| v. | § | Case No. 2:15-CV-1274-JRG-RSP |
| | § | |
| HONDA MOTOR CO., LTD., ET AL. | § | |

**Pretrial Conference
MAG. JUDGE ROY PAYNE PRESIDING
January 11-12, 2017**

OPEN: 11:10 am **ADJOURN: 4:40 pm**

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| ATTORNEYS FOR PLAINTIFF: | See attached |
| ATTORNEY FOR DEFENDANTS: | See attached |
| LAW CLERK: | Clint South |
| COURT REPORTER: | Shelly Holmes |
| COURTROOM DEPUTY: | Becky Andrews |

Court opened. Case called. Rudy Fink announced ready for plaintiff and introduced co-counsel. Deron Dacus announced ready on behalf of Volkswagen and introduced co-counsel. Allen Gardner announced ready on behalf of Nissan and introduced co-counsel. Randy Akin announced ready on behalf of Honda and introduced co-counsel. Brian Craft announced ready on behalf of Hyundai/Kia and introduced co-counsel. Thad Heartfield announced ready on behalf of Toyota and introduced co-counsel.

Jury Selection will be February 6, 2017 at 9:00 a.m. before Judge Gilstrap. The Court informed the parties that there are several cases set on this docket. The parties informed the Court of several issues relating to a certain expert and a certain member of defendants' counsel. The parties will be filing motions to continue the trial date.

Paul Steadman argued Motion for Partial Summary Judgment on Noncompliance with Marking Requirements (Dkt. No. 201). Peter Lambrianakos responded for plaintiff. The Court took this motion under submission.

Jeff Wyatt then argued Motion to Strike Portions of the Rebuttal Expert Report of Joseph C. McAlexander III (Dkt. No. 212). Peter Lambrianakos responded. Bill Mandir also argued for defendants. The Court granted the motion for the reasons orally assigned.

After the lunch break, Michael Turner argued Volkswagen's Motion to Exclude Certain Testimony Under *Daubert* and to Strike Certain Portions of the Reports of Joseph C. McAlexander III (Dkt. No. 237). Alfred Fabricant responded. The motion was denied.

Bill Mandir argued Toyota's Motion to Strike "Errata" to Expert Report of Joseph McAlexander on Infringement (Dkt. No. 253) and Toyota's Motion to Strike Supplemental Expert Report (Dkt. No. 369). Peter Lambrianakos responded. The motions were denied.

Raj Vinnakota moved to seal the transcript for this portion of the hearing. The Court took this request under advisement. Mr. Vinnakota then argued Nissan's Motion to Strike New Expert Disclosures and Opposed Motion for Expedited Briefing (Dkt. No. 259). Shahar Harel responded.

Albert Liou argued Honda's Motion to Strike Blitzsafe's New Infringement Theory (Dkt. No. 252). The Court will take this motion up with the Motion for Summary Judgment briefing.

The Court determined that the portion of the hearing that Mr. Vinnakota requested be sealed, did not have to be sealed. Mr. Vinnakota agreed.

The parties then began argument on Defendants' objections to Plaintiff's Motions in Limine. Fred Fabricant argued for plaintiff. Paul Steadman and Joe Beauchamp argued for defendants. John Rabena also argued for Toyota. The Court made rulings.

This pretrial conference will continue tomorrow morning at 9:00 a.m. in the historic courtroom in the Harrison County Historic Courthouse.

Thursday, January 12, 2017

9:00 a.m. – 12:45 p.m.

Court Reporter – Melissa Bailey

Court opened. The parties introduced themselves.

The Court heard Plaintiff's objections to Defendant, Volkswagen's Motions in Limine. Alfred Fabricant argued for plaintiff. Deron Dacus responded for defendant. The Court made rulings.

The Court then heard argument on objections to Defendant, Hyundai/Kia's Motions in Limine. Paul Steadman argued for defendants. Alfred Fabricant argued for plaintiff. The Court made rulings.

The parties then argued objections to Defendant, Nissan's Motions in Limine. Sean Hsu, Raj Vinnakota and Glenn Janik argued for defendant. Alfred Fabricant argued for plaintiff. Shahar Harel also responded for plaintiff. The Court made rulings.

After the morning break. Mr. Harel continued.

The Court then heard objections to Defendant, Honda's Motions in Limine. Joe Beauchamp and Robert Kantner argued for defendant. Alfred Fabricant argued for plaintiff. Sam Baxter also responded. The Court made rulings.

The Court then heard objections to Defendant, Toyota's Motions in Limine. John Rabena, Gil Gillam and Thad Heartfield argued for defendant. Peter Lambrianakos and Alfred Fabricant argued for plaintiff. The Court made rulings.

The Court instructed the parties to confer with the courtroom deputy to get a date for each interim pretrial conference to cover exhibit objections.

After the break, Bill Mandir argued Toyota's Motion to Disqualify Counsel (Dkt. No. 143). Alfred Fabricant responded. The Court took this motion under advisement.

Court adjourned.