

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

BLITZSAFE TEXAS, LLC,

Plaintiff,

v.

HONDA MOTOR CO., LTD., ET AL.,

Defendants.

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NO. 2:15-CV-01274-JRG-RSP
(LEAD CASE)

U.S. HONDA DEFENDANTS' JOINDER TO THE TOYOTA DEFENDANTS' NOTICE

Defendants American Honda Motor Co., Inc., Honda of America Mfg., Inc., Honda Manufacturing of Alabama, LLC, and Honda Manufacturing of Indiana, LLC, (collectively, “the U.S. Honda Defendants”), by and through the undersigned counsel hereby submit this joinder to Defendants Toyota Motor Corporation, Toyota Motor Sales U.S.A., Inc., Toyota Motor Manufacturing, Texas, Inc., Toyota Motor Manufacturing Kentucky, Inc., and Toyota Motor Manufacturing Mississippi, Inc.’s (collectively, “Toyota”) Docket No. 401, *i.e.*, Toyota’s Notice Regarding Defendants’ Motion *in Limine* and Defendants’ Motion for Partial Summary Judgment of Non-Infringement of U.S. Patent No. 8,155,342 (Dkt. No. 216), and incorporate herein, the points made by Toyota in its Notice, which was filed on January 23, 2017.

The Court granted Toyota’s Motion *in Limine* No. 1. (Dkt. 394). Toyota’s Motion *in Limine* No. 1 referenced ongoing disputes about claim construction regarding two claim terms that Defendants have had with Plaintiff Blitzsafe. *See id.* at pp. 1- 2. The Court provided additional clarity to the construction of those two claim terms. *See id.* The additional clarity of the construction of these claim terms is relevant to all parties, including the U.S. Honda Defendants, as the U.S. Honda Defendants jointly moved with Toyota for partial summary

judgment of non-infringement of the '342 patent, in part, on the absence of features associated with the claim term "receives audio generated by the portable device." See, e.g., Dkt. 216 at pp. 1-2. Counsel for the U.S. Honda Defendants informed counsel for Blitzsafe that it understands that the Court's ruling on Toyota Motion *in Limine* No. 1 applies to the Honda case as well, as the Order clarified a disputed construction of a claim term that is the subject of a pending motion for summary judgment of non-infringement between Honda, Toyota and Blitzsafe.¹

In response to Toyota's Notice, Blitzsafe filed a Motion for Reconsideration of the Court's Order that granted Toyota's Motion *in Limine* No. 1. See Dkt. No. 402. Toyota filed an Opposition to Blitzsafe's Motion for Reconsideration. See Dkt. 415. The U.S. Honda Defendants also join Toyota's Opposition to Blitzafe's Motion for Reconsideration.

Accordingly, the U.S. Honda Defendants specifically join in support of the points and arguments arguments made by Toyota in its Notice (Dkt. 401) and Toyota's Opposition to Blitzsafe's Motion for Reconsideration (Dkt. 415).

¹ On January 27, 2017, Counsel for Honda informed Blitzsafe that the Court's ruling on Toyota's Motion *in Limine* No. 1 applies to all the parties, as it clarified the construction of certain claim terms that all of the parties briefed during the claim construction phase of this lawsuit. Counsel for Honda inquired whether counsel for Blitzsafe agreed, but has not heard back from Blitzsafe. Separately, and earlier on the date of filing this Notice of Joinder, Toyota informed the U.S. Patent Trial & Appeal Board that it has settled its disputes with Blitzsafe.

Dated: January 27, 2017

Respectfully submitted,

/s/ Joseph M. Beauchamp

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**ATTORNEYS FOR DEFENDANTS
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MANUFACTURING OF INDIANA, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on January 27, 2017.

/s/ Joseph M. Beauchamp