

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

GESTURE TECHNOLOGY PARTNERS,
LLC,

Plaintiff

v.

HUAWEI DEVICE CO., LTD., AND
HUAWEI DEVICE USA, INC.,

Defendants.

JURY TRIAL DEMANDED

C.A. NO. 2:21-cv-00040-JRG

LEAD CONSOLIDATED CASE

SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

C.A. NO. 2:21-cv-00041-JRG

PLAINTIFF GESTURE TECHNOLOGY PARTNERS, LLC'S
OPPOSED MOTIONS *IN LIMINE*

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A. MOTIONS *IN LIMINE* 1

1. Any reference, evidence, testimony (including expert testimony), or argument regarding, or inquiring about or eliciting any testimony regarding settlement discussions from any case. 1

2. Any reference, evidence, testimony (including expert testimony), or argument regarding, or inquiry about or eliciting any testimony regarding any claims of privilege asserted by any party during discovery, privileged subject matter, or any communications between the parties and their attorneys, or any attempt to elicit any testimony that the party knows will, or is intended to, cause the responding party to invoke its right to attorney-client confidentiality, including advice of counsel relating to alleged infringement of the asserted patents. 2

3. Any reference, evidence, testimony (including expert testimony), or argument regarding, or inquiry about or eliciting any testimony regarding withdrawn infringement allegations, claims never asserted or no longer asserted, or no longer accused products..... 2

4. Any reference, evidence, testimony (including expert testimony), or argument regarding, or inquiry about or eliciting any testimony comparing the accused products to the preferred embodiments of the asserted patents. 3

5. Any reference, evidence, testimony (including expert testimony), or argument regarding, or inquiry about or eliciting any testimony regarding noninfringement based on alleged practice of the prior art. 3

6. Any reference, evidence, testimony (including expert testimony), or argument regarding, or inquiry about or eliciting any testimony regarding whether any asserted claims of the asserted patents are unpatentable under 35 U.S.C. § 101 as an invalidity defense. 4

7. Any reference, evidence, testimony (including expert testimony), or argument regarding, or inquiry about or eliciting any testimony regarding any pending and/or requested USPTO post-grant proceeding regarding the asserted patents, including IPRs or reexaminations or the success rate of such proceedings. 4

8. Any reference, evidence, testimony (including expert testimony), or argument (or inquiry about or eliciting any testimony) about any matters that were not timely and properly disclosed pursuant to the Local Rules, the Federal Rules of Civil Procedure, the Court’s Docket Control Order, or other Court Orders..... 5

9. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony regarding equitable defenses or related issues. 5

10. Any reference, evidence, testimony (including expert testimony), or argument regarding, or inquiry about or eliciting any testimony regarding the prosecution history of the asserted patents. 6

11. Any reference, evidence, testimony (including expert testimony) or argument regarding other courts’ opinions (or references thereto) that limited or excluded an expert’s testimony or opinion..... 6

12. Any arguments or testimony that GTP’s infringement analysis is incomplete, inaccurate, or in any way deficient because GTP did not review or analyze 13 of the identified applications and/or features on which Samsung has refused discovery. 7

13. Any reference, evidence, testimony (including expert testimony) or argument indicating or suggesting that the case lacks merit or has less value because the patents-in-suit are expired. 7

14. Any reference, evidence, testimony (including expert testimony) or argument that any alleged delay in filing the lawsuit indicates any lack or diminution of value of the claims. 8

15. Any reference to or argument regarding Defendants’ patents or patent applications as related to, being practiced by, or implemented in, the accused products or as a defense to infringement. 8

16. Any argument or testimony regarding alleged improperly named or omitted inventors. 10

17. Any reference, evidence, testimony (including expert testimony), or argument regarding, or inquiry about or eliciting any testimony concerning, the workload of the USPTO or of its examiners or otherwise disparaging the USPTO or its employees in any way. 11

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