

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

GESTURE TECHNOLOGY PARTNERS, LLC, <p style="text-align: center;">Plaintiff</p> v. HUAWEI DEVICE CO., LTD., AND HUAWEI DEVICE USA, INC., <p style="text-align: center;">Defendants.</p>	<p><u>JURY TRIAL DEMANDED</u></p> C.A. NO. 2:21-cv-00040-JRG LEAD CONSOLIDATED CASE
SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC., <p style="text-align: center;">Defendants.</p>	C.A. NO. 2:21-cv-00041-JRG

JOINT STIPULATION OF AGREED MOTIONS *IN LIMINE*

Pursuant to the Sixth Amended Docket Control Order (Dkt. 155), Plaintiff Gesture Technology Partners, LLC (“GTP”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Samsung”) (collectively the “Parties”) file this Joint Stipulation of Agreed Motions *in limine*. The Parties agree not to mention, allude to, refer to, or elicit testimony upon, in any manner, in the presence of the jury – whether during *voir dire*, opening statement, the presentation of evidence, closing argument, or any other phase of this trial – each of the following categories without first approaching the Bench and seeking permission from the Court.

1. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony concerning, any party’s use or alleged use of jury studies, jury consultants, focus group studies, or shadow juries.

2. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony concerning, the actual or estimated costs incurred in prosecution or defense of this lawsuit.

3. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony concerning, motions that have been filed in the case and/or the Court's rulings on any motions (except for the claim constructions adopted by the Court).

4. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony suggesting, that the presumption of validity does not apply to the asserted patents.

5. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony concerning, whether any asserted claims of the asserted patents are unpatentable for lack of enablement as an invalidity defense.

6. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony concerning, the parties' filing of any motions *in limine*.

7. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony concerning, statements or reasoning in the Court's claim construction order.

8. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony concerning, whether any asserted claims of the asserted patents is indefinite as an invalidity defense.

9. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony concerning, alleged misrepresentations to or withholding from the USPTO, or the intent of the named inventor or their patent counsel in their dealings with the USPTO.

10. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony concerning, GTP's choice of venue.

11. No party will introduce any reference, evidence, testimony (including expert testimony) or argument using the derogatory term "patent troll" (or similarly derogatory terms) when referencing GTP.

12. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony concerning, disputed discovery or other pretrial issues or alleged deficiencies with respect to discovery or pretrial obligations.

13. No party will introduce, inquire about, or elicit any expert testimony from any witness other than witnesses that provided a written report under Fed. R. Civ. P. 26(a)(2)(B).

14. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony concerning, the financial interests of non-witnesses in the outcome of the litigation or how GTP is paying for this litigation.

15. No party will introduce any reference, evidence, testimony (including expert testimony), or argument regarding, or inquire about or elicit any testimony concerning, claim construction by any lay witness.

Dated: January 10, 2022

Respectfully submitted,

By: /s/ Fred I. Williams

Fred I. Williams

Texas State Bar No. 00794855

Michael Simons

Texas State Bar No. 24008042

Robert Daniel Garza

Texas State Bar No. 24097730

Robert Rhodes

Texas State Bar No. 24116958

WILLIAMS SIMONS & LANDIS PLLC

327 Congress Ave., Suite 490

Austin, TX 78701

Tel: 512-543-1354

fwilliams@wsltrial.com

msimons@wsltrial.com

dgarza@wsltrial.com

rrhodes@wsltria.com

Todd E. Landis

State Bar No. 24030226

WILLIAMS SIMONS & LANDIS PLLC

2633 McKinney Ave., Suite 130 #366

Dallas, TX 75204

Tel: 512-543-1357

tlandis@wsltrial.com

John Wittenzellner

Pennsylvania State Bar No. 308996

WILLIAMS SIMONS & LANDIS PLLC

1735 Market Street, Suite A #453

Philadelphia, PA 19103

Tel: 512-543-1373

johnw@wsltrial.com

Kevin S. Kudlac

Texas Bar No. 00790089

Kudlac PLLC

1916 Wimberly Lane

Austin, TX 78735

Tel: 512-656-5743

kevin@kudlacIP.com

Attorneys for Plaintiff

Gesture Technology Partners, LLC

/s/ Christopher W. Kennerly

Christopher W. Kennerly (TX Bar No. 00795077)

chriskennerly@paulhastings.com

Radhesh Devendran (*pro hac vice*)

radheshdevendran@paulhastings.com

PAUL HASTINGS LLP

1117 S. California Avenue

Palo Alto, CA 94304

Telephone: (650) 320-1800

Facsimile: (650) 320-1900

Allan M. Soobert

allansoobert@paulhastings.com

PAUL HASTINGS LLP

2050 M Street NW

Washington, D.C. 20036

Telephone: 202-551-1700

Facsimile: 202-551-1705

Elizabeth L. Brann

elizabethbrann@paulhastings.com

PAUL HASTINGS LLP

4747 Executive Drive, 12th Floor

San Diego, CA 92121

Telephone: (858) 458-3000

Facsimile: (858) 458-3005

Robert Laurenzi robertlaurenzi@paulhastings.com

PAUL HASTINGS LLP

200 Park Avenue

New York, NY 10166

Telephone: (212) 318-6000

Facsimile: (212) 319-4090

Melissa R. Smith (TX Bar No. 24001351)

GILLAM & SMITH, LLP

303 S. Washington Ave.

Marshall, TX 75670

Telephone: (903) 934-8450

Facsimile: (903) 934-9257

melissa@gillamsmithlaw.com

*Attorneys for Defendants Samsung Electronics Co.,
Ltd and Samsung Electronics America, Inc.*

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.