

**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

SUPPLEMENTAL 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. (collectively, “Samsung”) (altogether, “Parties”) file this Supplemental 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 categories of evidence discussed below without first approaching the Bench and seeking permission from the Court.

16. No party will introduce any reference, evidence, testimony, or argument that there was any pre-suit contact, pre-suit knowledge, or willfulness; this does not preclude Samsung from introducing evidence, testimony, or argument that there was not any pre-suit contact or pre-suit knowledge.

17. No party will introduce any reference, evidence, testimony, or argument related to non-reliance on opinion of counsel.

18. No party will introduce any reference, evidence, testimony, or argument related to any duty of Samsung to investigate GTP's patents prior to the litigation as part of its business.

19. No party will introduce any reference, evidence, testimony, or argument related to the absence of any witness or executive.

20. No party will introduce any reference, evidence, testimony (including expert testimony), or argument (or inquiry about or eliciting any testimony) that Dr. Pryor's age or military service impacts the merits of the case as to infringement, invalidity, and damages or that Dr. Pryor's age or military service impacts GTP's burdens of proof; Dr. Pryor may testify fully regarding his age, experience, and military history.

21. No party will introduce any reference, evidence, testimony (including expert testimony), or argument (or inquiry about or eliciting any testimony) regarding the workload, accuracy, thoroughness, and reliability of the USPTO or of its examiners; the parties may generally comment on, reiterate or repeat the points about the patent system and patenting process presented in the Federal Judicial Center video and/or the jury instructions, so long as neither party attempts generally to impune or generally to bolster the USPTO or the patent examination process.

22. No party will introduce 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.

23. 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.

Given this stipulation, GTP withdraws its opposed motions *in limine* numbers 8, 9, 12, and 17, and Samsung withdraws its opposed motions *in limine* numbers 2, 3, 5, 9, 13, and 16.

Dated: January 30, 2022

Respectfully submitted,

By: /s/ Fred I. Williams

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