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

BLITZSAFE TEXAS, LLC,	§	
	§	
Plaintiff,	§	Case No. 2:15-CV-01274-JRG-RSP
	§	
V.	§	
	§	
HONDA MOTOR CO., LTD., AMERICAN	§	
HONDA MOTOR CO., INC., HONDA OF	§	
AMERICA MANUFACTURING, INC.,	8	
HONDA MANUFACTURING OF	8	
ALABAMA, LLC, HONDA	8 8	
MANUFACTURING OF INDIANA, LLC,	5 8	
	8	
Defendants.	8	

<u>ORDER</u>

For the reasons explained at the pretrial hearing on January 11, 2017, the following motions are resolved as follows:

- Dkt. No. 212: Defendants' motion to strike portions of the rebuttal expert report of Joseph C. McAlexander III regarding validity of U.S. patent numbers 7,489,786 and 8,155,342:
 - GRANTED.

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2. Dkt. No. 237: Defendants Volkswagen Group of America, Inc. And Volkswagen Group of America Chattanooga Operations, LLC's Motion to Exclude Certain Testimony Under *Daubert* and to Strike Certain Portions of the Reports of Joseph C. McAlexander III:

• **DENIED** with the exception of the dispute about Mr. McAlexander's doctrine of equivalents opinions, which the parties have resolved by agreement.

3. **Dkt. No. 253:** Toyota's Motion to Strike "Errata" To Expert Report of Joseph they have McAlexander On Infringement; **Dkt. No. 369:** Toyota's Emergency Motion to Strike Supplemental Expert Report of Joseph C. McAlexander Regarding Infringement of U.S. Patent Numbers 7,489,786 And 8,155,342:

• **DENIED**. Toyota is given leave to depose Mr. McAlexander on his supplemental report and renew their Motion for Summary Judgment in light of that deposition.

4. **Dkt. No. 259:** Nissan North America, Inc.'s, And Nissan Motor Co., Ltd.'s Opposed Emergency Motion to Strike New Expert Disclosures and Opposed Motion for Expedited Briefing:

DENIED. Nissan is given leave to serve a supplemental expert report by January
23, 2017. Nissan is also given leave to submit supplemental briefing on its related Motion

for Summary Judgment.

5. Dkt. No. 352: Honda's Motion to Strike Blitzsafe's New Infringement Theory:

• **DENIED**. The Court explained that the substance of Honda's Motion will be dealt with on its related Motion for Summary Judgment.

SIGNED this 11th day of January, 2017.

UNITED STATES MAGISTRATE JUDGE