

ORAL ORDER granting 219 Plaintiff's MOTION to strike portions of the expert report of Mr. Keith Poulson. IT IS ORDERED that the transcript of the November 18, 2022 discovery dispute teleconference shall serve as the ORDER of the court. In accordance with the rulings made on the record, as to the Opening Expert Report of Keith Poulson, IT IS HEREBY ORDERED that Plaintiff's motion, D.I. 219 , D.I. 222 , is GRANTED. Specifically, paragraphs 445-455, 475-479, and 490-491 of Mr. Poulson's Opening Expert Report are hereby stricken. As to the prior art combinations in sections XIII.C.3, XIII.C.4 and XIII.D.2 of Mr. Poulson's report, IT IS FURTHER ORDERED that those are also stricken. For example, Plaintiff agreed to narrow the number of asserted claims to 5, and Defendant agreed to narrow its invalidity theories to "five (5) Prior Art Arguments." D.I. 187 . Defendant narrowed its prior art combinations accordingly. D.I. 222-1, Ex. 6 at 1. In its letter brief, Defendant maintains that it "never labeled any reference as 'primary'" and it "has preserved the right to use the combinations as it disclosed them in its invalidity contentions." D.I. 224 at 4. According to Defendant, the narrowed prior art combination of "'A' + 'B' + 'C'" is equivalent to "'C' in combination with 'A' and further in view of 'B'." Id. In the court's experience, these are different combinations, and to allow such an expansive reading of the parties' stipulation at D.I. 187 would interfere with the court's inherent authority to manage its own docket. Ordered by Judge Mary Pat Thyng on 11/18/2022. (DAT) (Entered: 11/18/2022)

As of November 21, 2022, PACER did not contain a publicly available document associated with this docket entry. The text of the docket entry is shown above.

*Targus International LLC v. Victorinox Swiss Army, Inc.*  
1-20-cv-00464 (DDE), 11/18/2022, docket entry 226