

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____)	
LG.PHILIPS LCD CO., LTD.,)	Civil Action No. 05-292 (JJF)
)	
Plaintiff,)	
)	REDACTED - PUBLIC VERSION
v.)	
)	
TATUNG COMPANY;)	
TATUNG COMPANY OF AMERICA, INC.;)	
CHUNGHWA PICTURE TUBES, LTD.;)	
AND VIEWSONIC CORPORATION,)	
)	
Defendants.)	
_____)	

**DEFENDANTS' MOTION *IN LIMINE* (No. 7) TO PRECLUDE
LPL FROM SOLICITING OR OFFERING ANY TESTIMONY, EVIDENCE, OR
ARGUMENT RELATING TO ANY BUSINESS RELATIONSHIP
BETWEEN CPT AND ANY OTHER COMPANY**

Any reference to any business relationship, including common stock ownership, common parentage, or "sister company" status between CPT and any other entity should be excluded pursuant to Federal Rules of Evidence 402 and 403 because this information is not probative of any issue before the jury, or, in the alternative, any probative value is substantially outweighed by the danger of unfair prejudice.

LPL alleges that CPT infringed United States patent number 5,019,002 (the "'002 patent"). Complaint at ¶28. LPL does not allege that any other entity practices the '002 patent. *Id.* LPL does not allege that any of CPT's business relationships impacted its alleged infringement of the '002 patent. *Id.* Furthermore, LPL has not alleged that any company received favorable treatment from CPT as the result of any business relationship. *Id.* Consequently, any testimony regarding CPT's business relationships

should be excluded because it is not relevant and unduly prejudicial to CPT. Fed. R. Evid. 402, 403.

Moreover, because LPL alleges that CPT infringed a United States patent, CPT's liability is limited to actions that occurred in the United States. *Deepsouth Packing Co. v. Laitram Corp.*, 406 U.S. 518, 527 (1972) ("The statute [35 U.S.C. § 271] makes it clear that it is not an infringement to make or use a patented product outside of the United States. Our patent system makes no claim to extraterritorial effect."); *see also Johns Hopkins University v. CellPro, Inc.*, 152 F.3d 1342, 1367 (Fed. Cir. 1998) (finding that damages for foreign acts belong in foreign courts; if defendant's "infringement has damaged [plaintiff's] ability to service foreign markets, [plaintiff] must rely on foreign patent protection."). Therefore, any testimony, evidence, or argument regarding activities or business relationships outside of the United States is not relevant to this action. Fed. R. Evid. 402.

Specifically, the Court should exclude any reference to a family relationship between the executives of Jean Company and CPT.

REDACTED

As stated above, LPL has not alleged that Jean Company, or any other company, received favorable treatment. Moreover, a family relationship between CPT and Jean Company executives would not affect CPT's alleged practice of the '002 patent. Any reference to the relationship should, therefore, be excluded as not relevant pursuant to Federal Rule of Evidence 402.

REDACTED

Any reference to the above-mentioned business relationships, or *any other* business relationship, including common stock ownership, common parentage, or “sister company” status between CPT and any other entity does not have any bearing on allegations of infringement against CPT or the other defendants. CPT, Tatung, Tatung USA, and ViewSonic are no more or less likely to have infringed the ‘002 patent based on CPT’s business relationships. Likewise, any defendant’s importation, offer for sale, or sale of any product practicing the ‘002 patent, in the United States, is equally unrelated to any ownership relationship between CPT and any other entity. Consequently, LPL should be precluded from referring to any business relationship between CPT and any other entity because this information is wholly unrelated to any issue that LPL has put before the Court or the jury. Fed. R. Evid. 402.

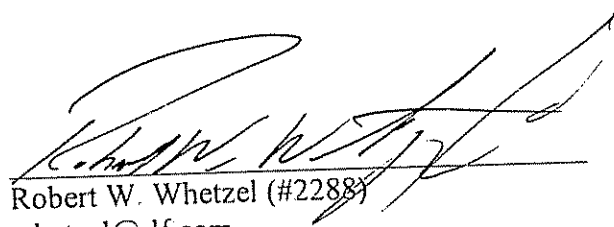
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Dated: June 19, 2006



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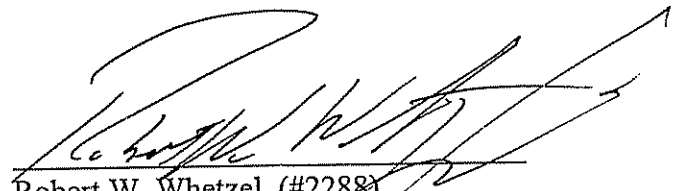
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 19, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing, and hand delivered to the following:

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I hereby certify that on June 19, 2006, I sent the foregoing document by Electronic Mail, to the following non-registered participants:

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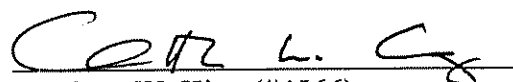
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 26, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing, and hand delivered to the following:

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