UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FORD MOTOR COMPANY,

Plaintiff,

v.

VERSATA SOFTWARE, INC. *et al.*

Defendants.
_____/

Case No. 15-cv-10628
(*consolidated with Case No. 15-11624*)
Hon. Matthew F. Leitman

ORDER ON SUMMARY JUDGMENT HEARING AND MOTION FOR RECONSIDERATION (ECF#503)

In this consolidated action, there are three sets of claims currently before the Court: (1) Ford's claims in its Second Amended Complaint in Case No. 15-10628; (2) Versata's Counterclaims in Case No. 15-10628; and (3) Ford's claims in its Complaint in Case No. 15-11624.[1] On February 1, 2018, and February 13, 2018, Plaintiff Ford Motor Company and Defendants Versata Software, Inc., Versata Development Group, Inc., and Trilogy, Inc. (collectively, Versata") filed cross-motions for summary judgment with respect to many of these claims. (*See* Ford Mot., ECF ## 354, 358; Versata Mot., ECF ## 379, 380.) Ford subsequently filed an unopposed motion for leave to supplement its summary judgment motion. (*See*

[1] On July 14, 2015, the Court entered a stipulated order consolidating this action (Case No. 15-10628) with the action Ford filed in Case No. 15-11624. (*See* ECF #28.) All subsequent filings have been made this action.

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ECF #511.) In addition, Ford has filed a motion for reconsideration of the Court's June 5, 2018, order granting Versata's motion to modify the case caption (*see* ECF #503), and Versata has filed a request for leave to file supplemental expert reports to address the deficiencies that the Court identified in its July 9, 2018, order resolving the parties' *Daubert* motions (*see* ECF #514).

The Court held a hearing on the parties' cross-motions for summary judgment on July 24, 2018. (*See* ECF #497.) The Court also addressed the other pending motions identified above. For the reasons stated on the record at the July 24, 2018, hearing, **IT IS HEREBY ORDERED** as follows:

- Ford's unopposed motion to supplement its summary judgment motion (ECF #511) is **GRANTED**;
- Ford's motion for reconsideration of the Court's June 5, 2018, order granting Versata's motion to modify the case caption (ECF #503) is **DENIED**;
- Versata's request for leave to file supplemental expert reports (ECF #514) is **TAKEN UNDER ADVISEMENT**;
- With respect to Ford's motion for summary judgment (ECF ## 354, 358) –
    - Ford's request for summary judgment on Count #6 of its Second Amended Complaint (in Case No. 15-10628) and Counts #9 and #13 of Versata's Counterclaims (in Case No. 15-10628) is **DENIED IN PART** and **TAKEN UNDER ADVISEMENT IN PART**. To the

extent that Ford seeks summary judgment on the ground that it is entitled to summary judgment because Versata did not take reasonable measures to protect its trade secrets, the motion is **DENIED**. To the extent that Ford seeks summary judgment on the ground that it owns the relevant trade secrets, the motion is **TAKEN UNDER ADVISEMENT**;

- Ford's request for summary judgment on Count #4 of its Second Amended Complaint (in Case No. 15-10628) and Counts #9 and #13 of Versata's Counterclaims (in Case No. 15-10628) is **TAKEN UNDER ADVISEMENT**;
- Ford's request for summary judgment on Count #1 of its Complaint (in Case No. 15-11264) and Count #14 of Versata's Counterclaims (in Case No. 15-10628) is **DENIED IN PART** and **TAKEN UNDER ADVISEMENT IN PART**. To the extent that Ford seeks summary judgment on the ground that none of the Versata entities that are named parties in this action own the relevant copyrights, the motion is **DENIED**. To the extent that Ford seeks summary judgment on the ground that it did not use the relevant copyrights after Versata terminated Ford's software license, the motion is **DENIED**. To the extent that Ford seeks summary judgment on the ground that it did not

use the relevant copyrights outside the scope of its software license, the motion is **TAKEN UNDER ADVISEMENT**. In addition, the Court hereby **GRANTS** Ford leave to file a second summary judgment motion. In that motion, Ford may argue that (1) it is entitled to summary judgment on the copyright claims based on the Court's July 9, 2018, order resolving the parties' *Daubert* motions, and/or (2) it is entitled to summary judgment on the copyright claims based on the "effective-registration doctrine." *See Oravec* v. *Sunny Isles Luxury Ventures, L.C.*, 527 F.3d 1218, 1229-30 (11th Cir. 2008); and

- Versata's motion for summary judgment on Counts #4, #5, and #8 of Ford's Second Amended Complaint (in Case No. 15-10628) and Counts #11 and #14 of its Counterclaims (in Case No. 15-10628) (ECF ## 379, 380) is **TAKEN UNDER ADVISEMENT**.[2]

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: July 25, 2018

[2] At the hearing, the parties informed the Court that they had reached a resolution with respect to the portions of Versata's summary judgment motion addressing Counts #7 and #17 of Ford's Second Amended Complaint (in case No. 15-10628). The parties shall file a stipulated order memorializing that agreed-upon resolution with the Court by no later than **August 3, 2018**.

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 25, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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