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 MOTION HEARING

On March 9, 2018, the Court held a hearing on the following filings in this action:

- Defendants' motion to modify the case caption (ECF #338);
- Plaintiff's objection (ECF #390) to the Special Master's Report and Recommendation recommending that Defendants be allowed to take the deposition of Elena Ford (ECF #376); and
- Defendants' objection (ECF #385) to the Special Master's Report and Recommendation recommending that the Court strike the expert reply reports of Defendants' experts Drs. Shamos and Malek (ECF #375).

For the reasons stated on the record at the hearing, **IT IS HEREBY ORDERED** as follows:

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- Defendants' motion to modify the case caption (ECF #338) is **TAKEN UNDER ADVISEMENT**;
- Plaintiff's objection (ECF #390) to the Special Master's Report and Recommendation recommending that Defendants be allowed to take the deposition of Elena Ford (ECF #376) is **SUSTAINED.** Defendants shall not take the deposition of Elena Ford; and
- Defendants' objection (ECF #385) to the Special Master's Report and Recommendation recommending that the Court strike the expert reply reports of Defendants' experts Drs. Shamos and Malek (ECF #375) is **SUSTAINED IN PART AND TAKEN UNDER ADVISEMENT IN PART**. With respect to the expert reply report of Dr. Shamos, the Court **SUSTAINS IN PART** Defendants' objection. Dr. Shamos will be allowed to testify at trial. However, Drs. Shamos and Malek will not be allowed to address the same public disclosure references. In addition, Defendants shall make Dr. Shamos available for an additional **3.5 hours** of deposition that shall be limited to the content of his reply expert report. With respect to the expert reply report of Dr. Malek, the Court **TAKES UNDER ADVISEMENT** Defendants' objection pending its decision on whether to allow claims and defenses related to PDOR2 to be raised in this case. By no later than **March 21, 2018**, the

parties shall file on the docket proposals with respect to how the Court should rule on that question and how the inclusion (or exclusion) of PDOR2 should affect the case calendar.

IT IS SO ORDERED.

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

Dated: March 9, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 9, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764