IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

U.S. PHILIPS CORPORATION, Plaintiff, v. EASTMAN KODAK COMPANY, Defendant.	)	Civil Action No. 06-00251-GMS

DEFENDANT EASTMAN KODAK COMPANY'S MOTION *IN LIMINE* NO. 1: MOTION TO EXCLUDE ALL EVIDENCE AND ARGUMENT REGARDING PRIVILEGED OPINIONS OF COUNSEL

NOW COMES Defendant Eastman Kodak Company ("Kodak"), through its undersigned counsel, respectfully moves this Court for an order excluding U.S. Philips Corporation ("Philips") from presenting any evidence or argument at trial regarding the opinion of counsel obtained by Eastman Kodak Company ("Kodak") regarding U.S. Patent 4,901,075 ("the '075 patent"). Kodak is not relying on its opinion of counsel as a defense to willful infringement in this case and Kodak has not waived the attorney-client privilege with respect to the opinion of counsel. In these circumstances, it would be improper for Philips to present any evidence or argument regarding Kodak's opinion letter. Any references to the opinion letter Kodak obtained would improperly suggest to the jury that Kodak has asserted the attorney-client privilege with respect to that opinion because the outcome of the letter is unfavorable. This is contrary to the law and would be

highly prejudicial. Philips should not be permitted to present any evidence or argument at trial regarding Kodak's opinion of counsel, or Kodak's alleged failure to obtain an opinion.

Dated: February 11, 2008

Respectfully Submitted,

/s/ Francis DiGiovanni
Francis DiGiovanni (#3189)
CONNOLLY BOVE LODGE & HUTZ LLP
The Nemours Building
1007 N. Orange Street
Wilmington, DE 19899
Phone (302) 658-9141
e-mail: fdigiovanni@cblh.com

John Allcock
Sean C. Cunningham
Tim Lohse
John D. Kinton
DLA PIPER US LLP
401 B Street, Suite 1700
San Diego, CA 92101-4297
Tel: 619.699.2700
Fax: 619.699.2701

Attorneys for Defendant/Counterclaimant
Eastman Kodak Company

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

U.S. PHILIPS CORPORATION, Plaintiff, v. EASTMAN KODAK COMPANY, Defendant.	)	Civil Action No. 06-00251-GMS

[PROPOSED] ORDER GRANTING MOTION *IN LIMINE* NO. 1: MOTION TO EXCLUDE ALL EVIDENCE AND ARGUMENT REGARDING PRIVILEGED OPINIONS OF COUNSEL

The Court, having considered Defendant's Motion *in Limine* No. 1, and for good cause appearing therefore, Defendant's Motion *in Limine* No. 1 to exclude all evidence and argument regarding privileged opinions of counsel is GRANTED, and all evidence and argument regarding Kodak's opinion of counsel is excluded from presentation or consideration at trial.

SO ORDERED this _____day of _____, 2008

_____
Chief Judge Gregory M. Sleet
United States District Court for the District of Delaware

CERTIFICATE OF SERVICE

I, Francis DiGiovanni, hereby certify that on February 11, 2008, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to registered counsel of record via e-mail.

I hereby further certify that on February 11, 2008, I caused a copy of the foregoing document to be served on the following counsel of record by the manner so indicated:

BY E-MAIL AND HAND DELIVERY
Steven J. Balick
John G. Day
Tiffany Geyer Lydon
Ashby & Geddes
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899

BY E-MAIL AND U.S. MAIL
Thomas W. Winland
Steven M. Anzalone
Frank A. DeCosta, III
Joyce Craig
Finnegan Henderson Farabow Garrett and Dunner LLP
901 New York Avenue, NW
Washington, DC 20001

/s/ Francis DiGiovanni
Francis DiGiovanni (#3189)