IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

U.S. PHILIPS CORPORATION,	)	
Plaintiff,	)	
v.	)	Civil Action No. 06-251-GMS
EASTMAN KODAK COMPANY,	)	
Defendant.	)	

PLAINTIFF U.S. PHILIPS CORPORATION'S REPLY TO DEFENDANT EASTMAN KODAK COMPANY'S OPPOSITION TO PHILIPS' MOTION *IN LIMINE* NO. 3 TO LIMIT EXPERT TESTIMONY ON VALIDITY ISSUES NOT ADDRESSED IN EXPERT REPORT

ASHBY & GEDDES
Steven J. Balick (I.D. #2114)
John G. Day (I.D. #2403)
Tiffany Geyer Lydon (I.D. #3950)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com
tlydon@ashby-geddes.com

Attorneys for Plaintiff
U.S. Philips Corporation

Of Counsel:

Thomas W. Winland
Steven M. Anzalone
Frank A. De Costa, III
Kenneth M. Frankel
Joyce Craig
Matthew Levy
Michael Skopets
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001-4413
(202) 408-4000

Dated: March 3, 2008

Defendant Eastman Kodak Company ("Kodak") agrees that Dr. Ebrahimi's testimony should adhere to the opinions expressed in his report. (D.I. 191 at 1.) Plaintiff U.S. Philips Corporation ("Philips") agrees that Dr. Ebrahimi may base his opinions on factual assumptions that were given to him, so long as his testimony does not admit hearsay or other inadmissible evidence for substantive purposes. *See* Fed. R. Evid. 703.

Kodak also agrees that "Dr. Ebrahimi did not . . . opine on what the correct priority date of the '075 patent should be, nor on whether the COST 211-bis document is considered a printed publication." (D.I. 191 at 3.) Kodak does not dispute that Dr. Ebrahimi did not express opinions regarding objective indicia of nonobviousness of the '075 patent, alleged anticipation of the '075 patent by the Pirsch patent, or alleged anticipation of the '075 patent by the Chen and Pratt Article. Therefore, Philips respectfully requests that the Court grant Philips' Motion *in Limine* #3 and preclude Dr. Ebrahimi from expressing opinions or analysis regarding these matters, as well as any others upon which he did not opine in his expert reports.

ASHBY & GEDDES

/s/ Tiffany Geyer Lydon

_____

Steven J. Balick (I.D. #2114)
John G. Day (I.D. #2403)
Tiffany Geyer Lydon (I.D. #3950)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com
tlydon@ashby-geddes.com

Attorneys for Plaintiff
U.S. Philips Corporation

Of Counsel:

Thomas W. Winland
Steven M. Anzalone
Frank A. De Costa, III
Kenneth M. Frankel
Joyce Craig
Matthew Levy
Michael Skopets
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001-4413
(202) 408-4000

Dated: March 3, 2008
188743.1