IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ORACLE CORPORATION and ORACLE U.S.A., INC.,	)	
Plaintiffs,	)	
v.	)	Civ. No. 06-414-SLR
PARALLEL NETWORKS, LLP,	)	
Defendant.	)	

ORDER

At Wilmington this 4th day of December, 2008, having reviewed various *Daubert* motions filed by the parties, as well as the papers submitted in connection therewith;

IT IS ORDERED that:

1. Plaintiffs' motion (D.I. 210) to exclude the expert report and testimony of Michael J. Wagner, defendant's damages expert, is denied as moot.

2. Defendant's motion (D.I. 192) to exclude the testimony of Terry Musika, plaintiff's economic expert, is denied as moot.

3. Plaintiffs' motion (D.I. 358) to exclude the supplemental report of Dr. David Finkel is denied as moot,[1] consistent with the memorandum opinion issued this same date.

4. Defendant's motion (D.I. 194) to exclude the testimony of Dr. Michael

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[1]As is plaintiffs' motion to strike Dr. Finkel's declaration in support of defendant's claim construction. (D.I. 266)

Shamos is denied,[2] as I am satisfied that Dr. Shamos used claim constructions appropriately in his invalidity analyses. The fact that he considered various claim constructions is based, in large measure, on my practice of not construing claims until expert discovery and summary judgment briefing has been concluded.

5. Defendant's motion to exclude the testimony of Dr. Paul Clark (D.I. 198) is denied, as it is commonplace for experts to rely on hearsay evidence. This may be fodder for effective cross-examination, but is not grounds for the exclusion of testimony.

United States District Judge

[2]As is defendant's motion to strike portion of Dr. Shamos' declaration. (D.I. 325)