IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TELCORDIA TECHNOLOGIES, INC., Plaintiff, v. LUCENT TECHNOLOGIES, INC., Defendant.	)	Civil Action No. 04-875 GMS
TELCORDIA TECHNOLOGIES, INC., Plaintiff, v. CISCO SYSTEMS, INC., Defendant.	)	Civil Action No. 04-876 GMS

ORDER

WHEREAS, on August 11, 2006, the plaintiff filed a Motion to Preclude and Request to Compel (04-875, D.I. 229; 04-876, D.I. 216);

WHEREAS, the motion asks the court to preclude the defendants from offering the expert opinions of Dr. Anthony Acampora on the subjects of validity and unenforceability, because he did not submit an opening expert report on those subjects;

WHEREAS, the motion further asks the court to compel the defendants to produce Dr. Vincent Jones ("Dr. Jones"), the defendants' expert who submitted an opening report on the subjects of validity and unenforceability, for two days of deposition;

WHEREAS, the court concludes that the plaintiff's motion is a hybrid motion, to wit, part motion in limine and part discovery motion;

WHEREAS, the court concludes that it will deny the motion in limine part of the plaintiff's motion, because it is not in accordance with the court's practice and premature[1]; and

WHEREAS, on September 1, 2006, the plaintiff represented in its reply brief that its request to compel is moot[2];

IT IS HEREBY ORDERED that:

1. The plaintiff's Motion to Preclude Defendants from Presenting Expert Opinions on Invalidity and Unenforceability by an Additional Expert Who Never Prepared or Submitted an Opening Expert Report on Invalidity and Unenforceability (04-875, D.I. 229; 04-876, D.I. 216) is DENIED as premature.

2. The plaintiff's request to compel the defendants to produce Dr. Jones for two days of deposition (See 04-875, D.I. 229; 04-876, D.I. 216) is DENIED as moot.

Dated: November 15, 2006

/s/ Gregory M. Sleet
UNITED STATES DISTRICT JUDGE

[1] See D.I. 83 ¶ 11 (setting forth the timing of motions in limine).

[2] Even absent the plaintiff's representation, the court would deny the request to compel because the court does not entertain discovery motions, and the plaintiff failed to comply with its practice. See D.I. 83 ¶ 3(a) (outlining the court's practice regarding discovery disputes).