UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ANDERSEN CORPORATION, Plaintiff, v. FIBER COMPOSITES, LLC., Defendant.	CIV NO. 00-CV-2548 (JNE/JGL)

FIBER COMPOSITES' CONDITIONAL MOTION IN LIMINE TO CHANGE THE ORDER OF PROOF

The defendant, Fiber Composites, hereby moves in limine for an order to change the order of proof at trial, which motion is conditional on this Court's granting of Fiber Composites' motion in limine to preclude the plaintiff, Andersen, from asserting infringement under the doctrine of equivalents at trial. If that motion is granted, the issues remaining to be tried are invalidity and damages. Fiber Composites bears the burden of proving invalidity, while Andersen bears the burden of proving damages. Thus, as damages do not apply unless the patents are valid, a more logical order to the presentation of proof at trial is for invalidity to be tried first.

Dated: March 18, 2005

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