

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TRUSTEES OF BOSTON UNIVERSITY, Plaintiff,)	
v.)	Consolidated Civil Action No. 12-11935-PBS
EVERLIGHT ELECTRONICS CO., LTD., et al.,)	
Defendants.)	
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TRUSTEES OF BOSTON UNIVERSITY, Plaintiff,)	
v.)	Civil Action No. 12-12326-PBS
EPISTAR CORPORATION, et al.,)	
Defendants.)	
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TRUSTEES OF BOSTON UNIVERSITY, Plaintiff,)	
v.)	Civil Action No. 12-12330-PBS
LITE-ON INC., et al.,)	
Defendants.)	

ORDER

October 21, 2015

Saris, C.J.

The defendants filed a Motion in Limine to preclude BU from presenting post-March 1991 state of the art evidence in assessing enablement of the asserted claims. (Docket No. 1408). BU has opposed the motion (Docket No. 1440). After a review of

the papers, I **DENY** the defendants' motion with the following limitations.

BU may introduce post-March 1991 evidence to rebut any testimony of defendants' expert Dr. Fitzgerald that it is impossible to epitaxially grow a monocrystalline film on an amorphous surface. BU may also use this post-1991 evidence on cross-examination.

The defendants' Motion in Limine (Docket No. 1408) is **DENIED.**

/s/ PATTI B. SARIS
Patti B. Saris
Chief United States District Judge