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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Case No. 17-cv-0501 DMS (NLS)

WHITEWATER WEST
INDUSTRIES, LTD, a Canadian
corporation,

Plaintiff,

v.

RICHARD ALLESHOUSE, an
individual, YONG YEH, an
individual, and PACIFIC SURF
DESIGNS, INC., a Delaware
corporation,

Defendants.

**ORDER ON DEFENDANTS’
DAUBERT MOTIONS**

Defendants’ *Daubert* motions came on for hearing on January 23, 2019. Joseph Tache appeared for Plaintiff, and Charanjit Brahma, Mark Mao and Stacy Hovan appeared for Defendants. After thoroughly reviewing the parties’ briefs and hearing argument from counsel, the Court issues the following rulings:

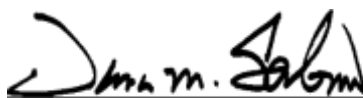
1. Defendants’ motion to exclude Dr. Vigil’s opinions is denied. The Court stands on the reasoning set out during the hearing on Dr. Vigil’s reliance on testimony from Messrs. Mack., Kiem and Myrman and Dr. Vigil’s reasonable royalty opinions. On the issue of Dr. Vigil’s reliance on the opinion of Dr. Stevick concerning technological comparability, that aspect of the motion is also denied. Although Dr. Stevick’s opinion should have been

1 in his report, Defendants had notice of his opinion by virtue of Dr. Vigil's report and the
2 other litigation between the parties. Defendants also had an opportunity to question Dr.
3 Stevick about his opinions, but chose not to do so. This, despite evidence from Defendant
4 Alleshouse himself about the similarity of the products at issue in this case. If Defendants
5 believe that a further pinpoint deposition of Dr. Stevick is necessary in light of this ruling,
6 they shall inform the Court forthwith.

7 2. As to Defendants' motion to exclude Dr. Stevick's opinions on inventorship, that
8 motion is denied. The Court reserves ruling on Defendants' motion to exclude Dr.
9 Stevick's opinions on the scope of the patent claims pending the hearing on Defendants'
10 motions *in limine*.

11 **IT IS SO ORDERED.**

12 Dated: January 23, 2019

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14 Hon. Dana M. Sabraw
15 United States District Judge
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