

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

T-PEG, INC and	)	
TIMBERPEG EAST, INC.,	)	
Plaintiffs,	)	
	)	
vs.	)	No. 03-CV-462-M
	)	
VERMONT TIMBER WORKS, INC.,	)	
And DOUGLAS FRIANT,	)	
Defendants.	)	

DEFENDANTS’ OBJECTION  
TO PLAINTIFFS’ MOTION IN LIMINE No. 5  
(TO EXCLUDE EVIDENCE OF PLAINTIFFS’ PRIOR CLAIMS AND SUITS)

Defendants object to plaintiffs’ motion to exclude evidence of their numerous prior claims and suits, (Doc. 187).

Defendants have not yet determined whether they intend to introduce such evidence, but in any event it may be relevant to the credibility of plaintiffs’ witnesses. One or more of plaintiffs’ officers or agents have stated that their actions in bringing this suit vindicate plaintiffs’ “business model” and defendants believe that the systematic bringing of quick suits for infringement are an intended “profit center” for plaintiffs, and that this is established by the evidence.

It will be sufficient to address this issue during trial, when the context is more clear, and if the circumstances do not warrant, defendants will probably not even raise the issue.

WHEREFORE, plaintiffs’ Motion In Limine No. 5 should be denied.

Date: August 28, 2009

VERMONT TIMBER WORKS, INC.  
and DOUGLAS FRIANT,  
Defendants,

/s/ W. E. Whittington  
W. E. Whittington

W. E. Whittington (Bar No. 6916)  
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CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2009, I served the foregoing pleading on the following counsel of record, by causing it to be filed electronically via the CM/ECF filing system.

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/s/ W. E. Whittington  
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