

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

AUTODESK INC., a Delaware
corporation,

Plaintiff,

v.

DASSAULT SYSTEMS SOLIDWORKS
CORPORATION, a Delaware corporation,

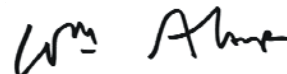
Defendant.

No. C 08-04397 WHA

ORDER RE ORAL ARGUMENT

With ever-mounting confusion, the judge himself has read the briefing (to date) and must say that we need more light and less heat. For the oral argument, each side must choose one or two claims or defenses on which it truly believes summary judgment is required or precluded, and notify the other side and the Court of its choice(s) by **NOON ON NOVEMBER 30**. Oral argument will be limited to those issues at most (save for any questions the Court may otherwise have). All other issues will be submitted on the briefing. Each side will have a total of 45 minutes. Counsel are reminded that there is no point in ignoring the facts cutting against you and harping only on the supposed "admissions" made by the other side's employees or retainers. On each side, it will be most useful to quote *one* and only *one* Ninth Circuit decision that lays out the full test, preferably a decision on summary judgment that came out the way you argue. Please remember that the Court needs your genuine expertise to sort through this mess. Power points will be fine, even encouraged, but time will be limited to 45 minutes per side. If you are seeking summary judgment, you must affirmatively show that there is no admissible evidence supporting a contrary finding.

Dated: November 23, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE