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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VOLTERRA SEMICONDUCTOR
CORPORATION,

Case No. C-08-05129 JCS

Plaintiff,

v.

PRIMARION, INC., ET AL.,

Defendants.

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION FOR LEAVE TO AMEND
PATENT L.R. 4-3 JOINT CLAIM
CONSTRUCTION AND PREHEARING
STATEMENT [Docket No. 451]**

Defendants have filed a motion ("Motion") seeking leave to amend the parties' Patent L.R. 4-3 Joint Claim Construction and Prehearing Statement ("Joint Statement)." In the Motion, Defendants seek leave to brief the constructions of two claim terms that they listed in Exhibit B to the Joint Statement,¹ "substantially DC voltage at the output terminal," and "voltage regulator." Defendants further seek to amend their proposed construction of the claim term "doped regions."

The Court DENIES without prejudice Defendants' request to brief the terms "substantially DC voltage at the output terminal," and "voltage regulator," which amounts to a request for the Court to construe two additional terms beyond the ten claim terms permitted in the Court's June 22, 2009 Amended Case Management and Pretrial Order. Although the terms that Defendants seek to add are closely related to the term "maintain the DC voltage substantially constant," Defendants' request comes just one week before the parties' opening claim construction briefs are due. Further, by allowing these two additional terms at this late date, there is a risk of prejudice to Volterra, which limited to five the terms it proposed for construction, as instructed by the Court. The Court denies the request without prejudice, however, to the extent that it may determine at some later date that construction of these claim terms is necessary.

¹Exhibit B to the Joint Statement lists Defendants' proposed constructions of disputed terms beyond the 10 terms permitted by the Court for claim construction.

1 The Court GRANTS Defendants’ request to amend its proposed construction of “doped
2 regions.” The proposed amendment to Defendants’ construction of this term is related to issues that
3 were raised at the preliminary injunction hearing and that have been addressed, in some form, by the
4 parties’ experts. Therefore, the Court concludes that Volterra is unlikely to be prejudiced by
5 allowing this amendment. Nonetheless, in light of the fact that Plaintiff’s expert is currently
6 unavailable, the parties are instructed to meet and confer to negotiate a proposed briefing schedule
7 that will allow Volterra additional time to address the amended construction for the “doped regions”
8 claim. Whatever dates the parties select, the last brief from both sides shall be filed no later than
9 **November 10, 2009.**

10 IT IS SO ORDERED.

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12 Dated: October 19, 2009

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16 JOSEPH C. SPERO
United States Magistrate Judge