

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VOLTERRA SEMICONDUCTOR CORPORATION,

No. C 08-05129 CRB

Plaintiff,

**ORDER**

v.

PRIMARION, INC., et al.,

Defendants.

AND RELATED COUNTERCLAIMS

Now pending before the Court for decision are: (1) defendants’ motion to bifurcate, (2) defendants’ motion for a protective order, (3) plaintiff’s motion for expedited discovery, and (4) plaintiff’s motion to compel. After carefully considering the papers filed by the parties, the Court concludes that oral argument is unnecessary and rules as set forth below.

1. Defendants’ motion to bifurcate is DENIED; however, the Court agrees with the parties that discovery on the infringement claims related to Stratakos patents should be stayed pending reexamination of those patents by the Patent and Trademark Office.

2. In light of the Court’s ruling on the motion to bifurcate, defendants’ motion for a protective order is DENIED; defendants have agreed to respond to the discovery propounded by plaintiff. The Court understands that the parties have agreed to defer all

1 discovery related to damages, willfulness, and the antitrust counterclaim; accordingly,  
2 defendants are not required to respond to any discovery related to those issues. Defendants  
3 shall respond to the remaining discovery within 10 days of the date of this Order. By this  
4 Order the Court does not purport to rule on any other objections that defendants may have to  
5 the request for production of documents or requests for interrogatories; such objections, if  
6 not resolved by the parties, must be brought to a magistrate judge.

7 3. Plaintiff's motion to compel access to Primarion's Technical Database and  
8 motion to expedite discovery are dismissed as moot in light of defendants' representation in  
9 its Reply filed in support of its Motion for a Protective Order that they have agreed to  
10 respond to the discovery requests if the Court denies the motion to bifurcate. Defendants  
11 shall not further delay their responses on the ground that the Court has not yet set a discovery  
12 schedule.

13 4. The parties shall meet and confer and submit a new joint case management  
14 conference statement in connection with the May 1, 2009 Case Management Conference.

15 **IT IS SO ORDERED.**

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17 Dated: April 16, 2009



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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE