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28UNITED STATES DISTRICT COURT
Northern District of California

ALEKSANDR L. YUFA,

No. C 09-00968 MEJ

Plaintiff,

v.

**ORDER DENYING MOTION FOR
SUMMARY JUDGMENT WITHOUT
PREJUDICE; SETTING CASE
MANAGEMENT DEADLINES**

LIGHTHOUSE WORLDWIDE SOLUTION,

Defendant.

On October 10, 2013, Defendant Lighthouse Worldwide Solution filed a Motion for Summary Judgment, arguing that its products do not infringe on Plaintiff Aleksandr Yufa's '983 Patent and that the '983 Patent is invalid for lack of enablement. Dkt. No. 94. In its Motion, Defendant argues that Plaintiff's July 24, 2013 Infringement Contentions failed to conform to the requirements of Patent Local Rule 3-1. *Id.* at 13. Defendant did not previously object to Plaintiff's filing as inadequate. Reviewing Plaintiff's infringement contentions, the Court agrees with Defendant that they fail to meet the requirements of Rule 3-1. Significantly, as a result of Plaintiff's failure to specifically identify which of Defendant's products purportedly infringe on the '983 Patent and how those products infringe, Defendant's Motion seeks judgment of noninfringement as to *all* of its products on the ground that each of its particle detectors uses a reference voltage to eliminate noise and thus do not literally infringe claims 6-8 of the '983 Patent. Mot. at 21. Plaintiff argues in his Opposition that Defendant's products do infringe, but does not identify which product(s) and precisely how the product(s) infringe. Thus, the parties expect this Court to make a general ruling about whether Defendant's products infringe. This then leads back to the fact that Plaintiff failed in the first instance to identify which products are at issue in this case, forcing Defendant to mount a broad defense encompassing all of its products. *See Digital Reg of Texas, LLC v. Adobe Sys. Inc.*, 2013 WL

1 3361241, at *2 (N.D. Cal. July 3, 2013) (“[Courts in this district generally do not order defendants to
2 proceed with discovery in patent cases until the plaintiff provides infringement contentions that
3 comply with Patent L.R. 3-1.”); *InterTrust Tech. Corp. v. Microsoft Corp.*, 2003 WL 23120174, at *
4 1 (N.D. Cal. Dec. 1,2003) (noting that infringement contentions “require parties to crystallize their
5 theories of the case early in the litigation and to adhere to those theories once they have been
6 disclosed.”) After carefully considering the parties’ briefs and based on the oral argument presented,
7 the Court finds that Defendant’s Motion is premature at this stage. Rather, before the Court may
8 make any determination regarding infringement, Plaintiff must specifically identify which of
9 Defendants products literally infringe on the ‘983 Patent.

10 Accordingly, the Court **HEREBY ORDERS** as follows:

- 11 1. Defendant’s Motion for Summary Judgment is **DENIED WITHOUT PREJUDICE**.
12 2. Plaintiff shall serve infringement contentions that fully comply with Patent Local Rule

13 3-1 by January 13, 2014. Plaintiff has filed multiple patent infringement lawsuits in this District and
14 should be familiar with such requirements. Failure to file infringement contentions that conform to
15 Rule 3-1 may result in dismissal of this action. Plaintiff must also produce any documents required
16 under Patent Local Rule 3-2 that were not previously produced by January 13, 2014.

17 3. Defendant’s invalidity contentions shall be served by February 27, 2014, in
18 compliance with Patent Local Rule 3-4.

19 4. The Court sets this matter for a case management conference on March 13, 2014 at
20 10:00 a.m. in Courtroom B. At the case management conference the Court will address what
21 additional discovery needs to be taken and deadlines for discovery, any claim construction hearing,
22 and dispositive motions. The parties shall file a **joint** case management statement by March 6, 2014,
23 advising the Court of the status of this matter.

24 **IT IS SO ORDERED.**

25
26 Dated: December 2, 2014

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28 _____
Maria-Elena James
United States Magistrate Judge