

United States District Court  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

GREGORY BENDER,  
Plaintiff,

No. C 09-01140 WHA

v.

**ORDER RE MOTION  
TO RELATE CASES**

EXAR CORPORATION,  
Defendant.

Attorney David Kuhn has filed 24 patent infringement actions against a series of companies that manufacture electronic products. All 24 actions are based upon U.S. Patent No. 5,103,188, which was filed on August 4, 1989. Attorney Kuhn has filed a motion to relate the actions under Civil Local Rule 3-12.

However, the fact that two or more actions assert the same patent is not necessarily enough to relate them. The reason is that the accused products will differ from case to case so that the infringement issues will not be the same. On the other hand, the circumstance of having so many lawsuits filed in the waning days of an expiring patent may raise issues that are sufficiently common to support relating the cases.

Therefore, all parties, including all defendants in all 24 actions are requested to comment on whether or not the actions should be related to Judge Alsup, who has the lowest case number. The deadline for which to serve and file a response is **JULY 31, 2009 AT NOON.**


**Plaintiff is ordered to serve a copy of this order on all defendants in all cases.** If no appearance has yet been made, plaintiff's counsel must affect service through a process server.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Plaintiff's counsel shall then file a declaration stating the steps he has taken to advise all parties of the invitation to submit a response to this order.

**IT IS SO ORDERED.**

Dated: July 13, 2009.

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE