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

MSHIFT, INC., a Delaware corporation,
Plaintiff,

No. C 10-00710 WHA

v.

**QUESTIONS FOR COUNSEL
REGARDING PENDING MOTION
FOR LEAVE TO FILE A FIRST
AMENDED COMPLAINT**

DIGITAL INSIGHT CORPORATION, a
Delaware corporation, COMMUNITY TRUST
FINANCIAL CORPORATION, a Louisiana
corporation, and COMMUNITY TRUST
BANK, a Louisiana corporation,

Defendants.

_____ /
DIGITAL INSIGHT CORPORATION, a
Delaware corporation,

Counterclaimant,

v.

MSHIFT, INC., a Delaware corporation,

Counterdefendant.
_____ /

Counsel for all interested parties shall file **BY NOON ON JUNE 14, 2010**, in five double-spaced pages or less, responses to the following questions:

1. Whether plaintiff should be required to specify in detail the factual basis for the assertion that the proposed defendants infringe the patent-in-suit, specifying each claim asserted,


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explaining why each limitation thereof is met in the accused product(s), and specifically identifying each accused product *before* the undersigned rules on the pending motion.

2. Whether, if enlargement of the action is permitted, invalidity issues should be decided first with all other infringement issues held in abeyance, the reason being that there would be no cause to impose the burden of litigation upon so many new parties if the patent is found to be invalid.

IT IS SO ORDERED.

Dated: June 7, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE