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

WIAV NETWORKS, LLC,
Plaintiff,

No. C 10-03448 WHA

v.

HEWLETT-PACKARD CO.,
Defendant.

**ORDER REGARDING
CLAIM CONSTRUCTION
AND PREHEARING
STATEMENT**

On February 18, counsel for plaintiff filed a set of documents purporting to be a joint claim construction and prehearing statement. Later that day, counsel for defendant filed a letter stating that the filing had been made without defendant's counsel's consent. The letter stated that the filing included a substantial amount of new, undesignated rebuttal material in violation of the parties' agreement. To cure the prejudice allegedly caused by this filing, defendant requested an order compelling withdrawal of the allegedly unauthorized filing and precluding reliance on the new material. On February 21, plaintiff's counsel filed a responsive letter recounting a different narrative of the parties' communications leading up to the February 18 filing. This letter argued that nothing was improper about the filing.

Defendant's requests for withdrawal and exclusion are **DENIED**. Defendant, however, may file a supplement to the February 18 filing, in order to cure any prejudice. This supplement may not exceed ten pages in length and must be filed by **NOON ON FEBRUARY 25, 2011**.

IT IS SO ORDERED.

Dated: February 22, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE