

1
2
3
4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7

8 IMPLICIT NETWORKS, INC.,

No. C 10-04234 SI

9 Plaintiff,

**ORDER RE JUNIPER'S MOTION TO
COMPEL INTERROGATORY
RESPONSES AND MOTION FOR
LEAVE TO FILE A SECOND SUMMARY
JUDGMENT MOTION**

10 v.

11 JUNIPER NETWORKS, INC.,

12 Defendant.
13 _____/

14 Currently before the Court is defendant Juniper Networks, Inc.'s motion to compel further
15 responses to Interrogatories Nos. 11, 14, 15 & 17 [Docket No. 100] and Juniper's unopposed motion
16 for leave to file a second summary judgment [Docket No. 80]. With respect to Juniper's unopposed
17 motion for leave to file a second summary judgment, that motion is GRANTED.

18 With respect to Juniper's motion to compel further interrogatory responses, the Court rules as
19 follows:

20 **Interrogatory No. 11.:** The Court DENIES the motion to compel Implicit to create a "claim
21 chart" showing how its commercial products map on the claims of the patents in suit, due to undue
22 burden and relevance.

23 **Interrogatory No. 14.:** The Court DENIES the motion to compel, based on Implicit's answer
24 that: "Juniper began infringing no later than the 'date of the '163 reexam certificate,' which is May 4,
25 2010." *See* Docket No. 101. However, given Implicit's use of the "no later than" clause, Implicit will
26 not be able to seek damages for any conduct prior to that date.

27 **Interrogatory No. 15.:** The motion to compel is GRANTED to the extent that Implicit must
28 provide an answer as to whether it will dispute the publication date of the five (5) references identified

1 in Juniper's motion to compel and Implicit must provide the factual and legal support for each
2 contention. Docket No. 100 at 2.

3 **Interrogatory No. 17.:** The motion to compel is GRANTED with respect to *internal* documents.
4 Implicit shall specifically identify the internal documents already produced, and any to be produced, in
5 a response pursuant to Rule 33(d).

6 Consistent with this Order, further interrogatory responses shall be provided within **ten (10)**
7 **days of the date of this Order.**

8

9 **IT IS SO ORDERED.**

10

11 Dated: July 16, 2012



SUSAN ILLSTON
United States District Judge

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28