

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

## UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

BARNES AND NOBLE, INC., et al.,

No. C 11-02709 EMC (LB)

Plaintiffs,

**ORDER REGARDING DISCOVERY  
CONFERENCE TO DISCUSS  
SOURCE CODE PRODUCTION AND  
SEQUENCE OF DISCOVERY AND  
AMENDMENTS TO INFRINGEMENT  
CONTENTIONS**

v.

LSI CORPORATION, et al.,

Defendants.

[Re: ECF Nos. 200, 202, 205]

On April 10, 2013, defendants LSI Corporation and Agere Systems LLC (collectively, “LSI”) filed a motion to, in part, amend their infringement contentions for five patents at issue in this action: U.S. Patent No, 5,670,730; U.S. Patent No. 6,452,958; U.S Patent No. 6,707,867; U.S. Patent No. 5,546,420; and U.S. Patent No. 5,920,552. *See* Motion, ECF No. 198; Corrected Motion, ECF No. 200 at 2.<sup>1</sup> During a Further Case Management Conference on April 11, 2011, the parties described to Judge Chen a potential dispute concerning plaintiffs Barnes and Noble, Inc. and Barnesandnoble.com LLC’s (collectively, “BN”) production of additional source code that LSI says is necessary for it to fully make the amendments to its infringement contentions. *See* Transcript of 4/11/2013 Further CMC, ECF No. 205 at 4-8. To make this process as smooth as possible, Judge Chen ordered the parties to meet and confer within approximately 2 weeks regarding this potential

---

<sup>1</sup> Citations are to the Electronic Case File (“ECF”) with pin cites to the electronically-generated page numbers at the top of the document.

1 dispute over the production of additional source code and then to contact the undersigned to  
2 schedule a discovery conference to discuss the timing and sequence of BN's production and LSI's  
3 amendments to its infringement contentions for the patents already at issue in this case. *See*  
4 Amended Minute Order, ECF No. 202 at 1; Transcript of 4/11/2013 Further CMC, ECF No. 205 at  
5 22-23.

6 To facilitate a meaningful discovery conference, the undersigned orders the parties to set forth  
7 the dispute and their proposals for its resolution in a joint discovery dispute letter brief (in  
8 accordance with the procedures set forth in undersigned's standing order), rather than through the  
9 noticed motion process.<sup>2</sup> Given Judge Chen's directive that the parties meet and confer within  
10 approximately 2 weeks from the April 11, 2013 Further Case Management Conference, the  
11 undersigned **ORDERS** the parties to submit their joint discovery dispute letter brief and any  
12 proposals regarding timing by May 2, 2013 (which is 1 week after the 2 week period to meet and  
13 confer). Thereafter, the court will schedule a discovery conference to discuss the dispute with the  
14 parties.

15 **IT IS SO ORDERED.**

16 Dated: April 19, 2013



17 \_\_\_\_\_  
18 LAUREL BEELER  
19 United States Magistrate Judge  
20  
21  
22  
23  
24  
25  
26

27 \_\_\_\_\_  
28 <sup>2</sup> The court notes that LSI's motion is still live with respect to LSI's request to amend its  
counterclaims and its infringement contentions to add additional patents that are not already at issue  
in this case. *See* Amended Minute Order, ECF No. 202 at 1.