

United States District Court  
For the Northern District of California

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

PROCONGPS, INC.,

No. C 11-3975 SI

Plaintiff,

**ORDER DENYING DEFENDANT  
SKYPATROL’S REQUEST FOR  
EXPEDITED DISCOVERY**

v.

STAR SENSOR, LLC, *et al.*,

Defendants.

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Defendant Skypatrol LLC has filed a letter brief requesting “limited” expedited discovery. Skypatrol asserts that it should be permitted to expedite its defense of this litigation because plaintiff has been telling Skypatrol’s customers that Skypatrol is going out of business as a result of this litigation. Skypatrol seeks a “limited, discrete set of documents” including (1) documents relating to any litigation, other than this case, involving the patents-in-suit, (2) documents relating to any license to the patents-in-suit, and (2) documents relating to the validity or invalidity of the patents-in-suit.

Plaintiff opposes the request on both procedural and substantive grounds. Plaintiff asserts, *inter alia*, that defendant did not meet and confer prior to filing the letter brief, and that defendant has not shown good cause for expedited discovery. Plaintiff contends that allowing expedited discovery would permit defendant to circumvent the local rules and discovery procedures, and that the requested discovery would be extremely time-consuming and burdensome for plaintiff.


The Court finds that defendant has not demonstrated good cause for deviating from the normal discovery schedule. Further, the discovery sought is not limited, but rather broadly seeks documents relating to *any* litigation involving the patents-in-suit; documents relating to *any* license to the patents-in-suit; and documents relating to the validity or invalidity of the patents-in-suit, which would include,

1 at a minimum, prior art and the prosecution and reexamination files. Accordingly, defendant's request  
2 is DENIED. Docket No. 24.

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**IT IS SO ORDERED.**

Dated: October 3, 2011, 2011

  
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SUSAN ILLSTON  
United States District Judge