

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  
28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EON CORP. IP HOLDINGS, LLC,

No. C-12-1011 EMC

Plaintiff,

v.

**ORDER RE SETTLEMENT AND  
DISCOVERY DISPUTES**SENSUS USA, INC., *et al.*,**(Docket Nos. 610, 611)**Defendants.  

---

Plaintiff in this case has recently concluded a settlement agreement with Defendant T-Mobile USA, Inc. At a case management conference on December 14, 2012, this Court ordered Plaintiff to submit a letter by December 28, 2012 indicating whether it intended to pursue claims against Defendant Kineto, in light of the fact that at least some of these claims were related to the claims against T-Mobile. Docket No. 608. If Plaintiff opted not to abandon its claims against Kineto, Kineto indicated that it would file a motion for summary judgment to be heard on March 7, 2013. The Court also stayed depositions against Kineto until further notice.

On December 28, 2012, Plaintiff submitted a letter stating that it was unable to determine whether some or all of its claims against Kineto were covered by the settlement agreement because Kineto had not provided certain discovery about Kineto's sales of allegedly infringing products and services to T-Mobile and to other customers. Docket No. 610. Plaintiff requested that it be allowed to take further discovery of Kineto, including depositions. Kineto disputes that Plaintiff needs any further discovery to determine the application of the T-Mobile settlement agreement to Kineto. Kineto also contends that Plaintiff has not complied with Patent L.R. 3-1 with respect to its

1 infringement contentions against Kineto as to non-T-Mobile customers. Docket No. 611. Kineto  
2 further requested that this Court order a mandatory settlement conference on these issues. The  
3 parties also dispute whether EON should now be permitted to take Kineto's deposition.


4 This case has already been referred to Magistrate Judge Laporte for discovery matters.  
5 Accordingly, this Court refers the following disputes to Judge Laporte:

- 6 1. Whether Plaintiff requires any additional discovery to comply with this Court's order  
7 that it state clearly whether it intends to pursue its T-Mobile claims against Kineto.  
8 After making the determination of what, if any, discovery Plaintiff requires, Judge  
9 Laporte shall set a date certain for Plaintiff to comply with this Court's order of  
10 December 14, 2012.
- 11  
12 2. Whether to grant Plaintiff's requests to take depositions and other discovery prior to  
13 Kineto's motion for summary judgment.
- 14  
15 3. Whether Plaintiff's infringement contentions are adequate as to the allegations of  
16 non-T-Mobile related infringement.

17  
18 Additionally, this case is hereby referred for assignment to a magistrate judge on an emergency basis  
19 for a mandatory settlement conference to take place no later than January 31, 2013. To allow time  
20 for the settlement conference, the hearing date for Kineto's motion for summary judgment, if  
21 necessary, is re-set to March 28, 2013 at 1:30 p.m.

22  
23 IT IS SO ORDERED.

24  
25 Dated: January 4, 2013

26  
27   
28 EDWARD M. CHEN  
United States District Judge