

Before the Court is plaintiff's "Administrative Motion to Require Defendant to File Its
Motion for Second Amended Invalidity Contentions with the Court," filed February 19, 2014.
Defendant has filed opposition thereto. Having read and considered the papers filed in
support of and in opposition to the instant administrative motion, the Court rules as follows.

Pursuant to the Court's order filed November 26, 2013, all discovery matters were 20 referred to Magistrate Judge Donna M. Ryu. On February 19, 2014, defendant filed with 21 Judge Ryu a letter brief requesting leave to amend its invalidity contentions. Thereafter, 22 plaintiff filed the instant administrative motion, in which plaintiff requests that the matter 23 presented in the letter brief be considered by the Court in the first instance. Although, as 24 plaintiff points out, the Court determined without a reference defendant's previous Motion 25 for Leave to Amend Invalidity Contentions, said motion was filed on October 14, 2013, over 26 a month before the Court referred all discovery matters to Judge Ryu. At this stage of the 27 proceedings, the Court finds it preferable that such motions to amend, which pertain to the 28

| 1 | subject of discovery, be heard in the first instance by Judge Ryu. |
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| 2 | Accordingly, the Court declines to withdraw the reference with respect to defendant's |
| 3 | motion to amend, and plaintiff's administrative motion is hereby DENIED. |
| 4 | IT IS SO ORDERED. |
| 5 | Dated: February 24, 2014 |
| 6 | MAXINE M. CHESNEY United States District Judge |
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