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United States District Court
For the Northern District of California

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

SYNOPSISYS, INC.

No. C-13-2965 MMC

Plaintiff,

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION IN LIMINE; REFERRING
MATTER TO MAGISTRATE JUDGE**

v.

ATOPTECH, INC.,

Defendants.

Before the Court is plaintiff Synopsys, Inc.'s ("Synopsys") "Motion in Limine to Limit Evidence of a 'Non-infringing Alternative,'" filed October 16, 2015, in which Synopsys seeks an order excluding evidence that defendant ATopTech, Inc. ("ATopTech") has removed the allegedly copyrighted material from its software program, or, in the alternative, an order reopening fact discovery to allow Synopsys to verify that the material has been so removed. ATopTech has filed opposition, to which Synopsys has replied. Having read and considered the papers filed in support of and in opposition to the motion, the Court finds the matter appropriate for decision on the parties' respective written submissions, VACATES the hearing scheduled for November 20, 2015, and rules as follows.

For the reasons stated in the opposition, the Court finds evidence that the allegedly infringing material has been removed from ATopTech's software appears relevant to several issues in the above-titled action, namely Synopsys's entitlement to injunctive relief,

1 the amount of damages attributable to the allegedly infringing aspects of ATopTech's
2 software, and the duration of the alleged infringement.


3 Accordingly, to the extent Synopsys seeks an order excluding such evidence, the
4 motion is DENIED.

5 Synopsys is, however, entitled to additional discovery to discern whether ATopTech
6 has, in fact, removed all of the allegedly infringing terms from its software. Accordingly, to
7 the extent Synopsys's motion seeks to reopen fact discovery, the motion is GRANTED.

8 The remaining issue is the scope of said discovery, the resolution of which is hereby
9 REFERRED to Magistrate Judge Ryu, to whom all discovery matters in the above-titled
10 action previously have been referred. (See Order, filed March 25, 2014.)

11 **IT IS SO ORDERED.**

12 Dated: November 16, 2015


MAXINE M. CHESNEY
United States District Judge

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