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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SEGAN LLC,  
Plaintiff,  
v.  
ZYNGA INC,  
Defendant.

Case No. 14-cv-01315-VC

**ORDER GRANTING MOTION TO  
AMEND**

Docket No. 117

Segan's motion to amend its infringement contentions is granted. Segan filed its most recent set of infringement contentions on November 17, 2014. On December 11, 2014, Segan filed a motion to amend its infringement contentions.<sup>1</sup> Segan acted with diligence in moving to amend, as it filed its motion within three weeks of the date of the hearing on Zynga's motion for a bond, which focused in large part on the parties' proposed claim constructions, and which took place before final claim construction statements were due. And there is no prejudice, because although Zynga contends that Segan's new infringement contentions represent a significant departure from Segan's previously-asserted infringement theory, Zynga has also acknowledged that its summary judgment/claim construction brief – which Zynga filed on January 23, 2015 – addresses both infringement theories. Zynga does not contend that additional discovery is needed for proper adjudication of Segan's new infringement theory, nor does it contend that the case schedule needs to be altered in any way.

At the hearing on Segan's motion to amend its infringement contentions, Zynga requested permission to file a motion to strike those infringement contentions with Judge Spero, on the

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<sup>1</sup> In its motion to amend Segan failed to follow Patent Local Rule 3-1(c), as it only included one "exemplar" claim chart. Segan has now corrected this deficiency; on January 9, 2015, it filed claim charts for each of Zynga's accused products.

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ground that Segan's latest set of contentions fail to comply with the procedural requirements Judge Spero imposed on the filing of any new set of contentions. If Zynga wishes to persist in the argument that certain of Segan's contentions should not be considered, it may bring that motion before this Court rather than before Judge Spero, and should notice a hearing for the same date as the summary judgment/*Markman* hearing.

**IT IS SO ORDERED.**

Dated: January 30, 2015



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VINCE CHHABRIA  
United States District Judge