

United States District Court
For the Northern District of California

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
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CAPELLA PHOTONICS, INC.,
Plaintiff,
v.
CISCO SYSTEMS, INC., *et al.*
Defendants.

No. C-14-3348 EMC
CONSOLIDATED CASES
C-14-3349 EMC
C-14-3350 EMC
C-14-3351 EMC

**ORDER REGARDING JOINT CLAIM
CONSTRUCTION STATEMENT**

On January 12, 2015, the parties filed a joint claim construction statement. Docket No. 151. In the statement, Defendants represent that Plaintiff “willful[ly] violated” this Court’s patent local rules, and asks the Court to strike all of Plaintiff’s proposed constructions but one, and to further sanction Plaintiff as the Court deems appropriate. *See id.* at 3. Plaintiff did not respond to Defendants’ allegations in the joint statement.

Plaintiff, for its part, asks the Court to strike “Defendants’ attempt to rely on statements from Plaintiff’s counsel as intrinsic evidence to support their proposed [claim] definitions.” *Id.* The Court will not strike any of the parties’ proposed constructions or otherwise impose any sanctions. In order to provide the parties sufficient time to prepare for the claim construction hearing in this case, the Court modifies the case schedule as follows:

Claim Construction Opening Brief: February 23, 2015

Claim Construction Opposition Brief: March 9, 2015

//
//

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
28


Claim Construction Reply Brief: March 16, 2015

Tutorial: April 3, 2015 (2:30 p.m.)

Claim Construction Hearing: April 13, 2015 (2:30 p.m.)

IT IS SO ORDERED.

Dated: January 13, 2015



EDWARD M. CHEN
United States District Judge