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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LONGITUDE LICENSING LTD., et al.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 14-cv-04275-EDL

**ORDER REGARDING
REPRESENTATIVE PRODUCTS**

The parties have an outstanding dispute about whether and/or when to require Apple to identify representative products. Longitude wants Apple to be required to identify representative products by July 9, 2015. In appropriate cases, courts use representative products to narrow cases where there are numerous related products creating identical or similar issues of infringement. See, e.g., Rambus v. Hynix, Case 05-cv-00334-RMW, Dkt. # 2803 (requesting letter briefs on the issue of identifying representative products); Apple v. Samsung, 12-cv-00630-LHK, Dkt. # 471 (“The Court strongly encourages the parties to reach a stipulation on [representative products].”). Longitude contends that the accused products in this case are similar because they utilize a limited number of operating systems and only three different flash translation layer (FTL) software versions. Apple counters that this is not an appropriate case for identifying representative products because the accused functionalities operate differently depending on the hardware, operating system, and which one of the three FTL software versions are used in a given product.

Having considered briefing from both sides discussing the deposition testimony of Apple Engineering Manager Matt Byom and having reviewed the deposition transcript in camera, the Court orders as follows: Given the state of the record, there currently appear to be differences even among products with the same name (for example, different iPhone 4s may use different hardware and software) such that it does not now appear that there are numerous related products

United States District Court
Northern District of California

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creating identical or similar issues of infringement. Therefore, it is not appropriate to require Apple to identify representative products at this stage of the case. However, the Court may revisit this issue as the case progresses.

IT IS SO ORDERED.

Dated: June 23, 2015


ELIZABETH D. LAPORTE
United States Magistrate Judge