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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GOOGLE LLC,
Plaintiff,
v.
SONOS, INC.,
Defendant.

Case No. [20-cv-03845-EMC](#) (TSH)

**ORDER GRANTING MOTION FOR
LEAVE TO AMEND INVALIDITY
CONTENTIONS**

Re: Dkt. No. 109

United States District Court
Northern District of California

I. INTRODUCTION

Defendant Sonos, Inc., seeks leave under Patent Local Rule 3-6 to amend its invalidity contentions to respond to Google LLC’s amended infringement contentions. ECF No. 109. Sonos contends amendment is necessary to add additional detail to its previously disclosed theory that U.S. Patent No. 10,229,586 is invalid in light of its own invention of the subject matter of that patent before the patent’s priority date. Google filed a response indicating it takes no position on whether Sonos can, at this juncture of the case, demonstrate good cause to amend its invalidity contentions, and seeking to clarify certain statements in Sonos’s motion. ECF No. 117. The Court finds this matter suitable for disposition without oral argument and **VACATES** the September 16, 2021 hearing. *See* Civ. L.R. 7-1(b). Having considered the parties’ positions, relevant legal authority, and the record in this case, the Court **GRANTS** Sonos’s motion for the following reasons.

II. BACKGROUND

A. Google’s Allegations

Google is the owner of U.S. Patent No. 10,229,586, titled “Relaying Communications in a Wireless Sensor System” (“the ’586 patent”), issued by the USPTO on March 12, 2019. First Am.

1 Compl. ¶¶ 95-96, ECF No. 35. The '586 patent is directed at using devices within a wireless mesh
 2 network and describes a “wireless sensor unit system providing bi-directional communication
 3 between a sensor (e.g., smoke sensor, fire sensor, temperature sensor, water, etc.) and a repeater or
 4 base unit in a building protection system.” *Id.*, Ex. 22 ('586 Patent) at 1:38-42. The specifications
 5 describe the process as follows:

6 When the sensor unit **102** detects an anomalous condition (e.g.,
 7 smoke, fire, water, etc.) the sensor unit communicates with the
 8 appropriate repeater unit **110** and provides data regarding the
 9 anomalous condition. The repeater unit **110** forwards the data to the
 10 base unit **112**, and the base unit **112** forwards the information to the
 11 computer **113**. The computer **113** evaluates the data and takes
 12 appropriate action. If the computer **113** determines that the condition
 is an emergency (e.g., fire, smoke, large quantities of water), then the
 computer **113** contacts the appropriate personnel **120**. If the computer
113 determines that the situation warrants reporting, but is not an
 emergency, then the computer **113** logs the data for later reporting. In
 this way, the sensor system **100** can monitor the conditions in and
 around the building **101**.

13 *Id.* at 5:26-39.

14 Google alleges Sonos infringes the asserted '586 claims by making, using, importing,
 15 selling for importation, and/or selling after importation into the United States its Sonos One, One
 16 SL, Play:1, Play:3, Play:5, Playbar, Playbase, Beam, Move, Connect:Amp, Amp, Connect, Port,
 17 and Sub products (the “Accused '586 Products”). First Am. Compl. ¶ 98.

18 **B. Procedural History**

19 On December 14, 2020, Sonos served its invalidity contentions pursuant to Patent Local
 20 Rule 3-3. Caridis Decl., Ex. 2, ECF No. 109-2. Sonos identified several “systems and products
 21 [as] prior art under 35 U.S.C. §§ 102(a), (b), (f), and/or (g).” *Id.* at 11. It also identified “Sonos
 22 (February 2004 or earlier)” as a prior art system for the '586 Patent. *Id.* at 12. Pursuant to Patent
 23 Local Rule 3-3(b), Sonos further identified “Sonos” as a prior art reference that anticipates each of
 24 the Asserted Claims of the '586 Patent (*id.* at 66-67) and attached as Exhibit D-4 a claim chart.
 25 *Id.*, Ex. 3. That claim chart explained:

26 Sonos conceived of and reduced to practice an audio-enabled wireless
 27 device configured for bidirectional wireless communication in a
 28 wireless mesh network prior to May 27, 2004. For example, Sonos
 developed source code that was checked into the Sonos source code
 repository on February 4, 2004. This source code establishes that

1 Sonos reduced to practice an audio-enabled wireless device
2 configured for bidirectional wireless communication in a wireless
3 mesh network.

4 *Id.* at 1. The claim chart walked through each limitation of each asserted '586 Patent claim,
5 identifying where and how in the Sonos prior art system each limitation is found. Throughout the
6 claim chart, Sonos cited to Sonos documents, as well as “Sonos Source Code (2004-02-04 check-
7 in).” *See, e.g., id.* at 1. At the time Sonos served its invalidity contentions, “[t]he source code for
8 the Sonos prior art (charted against the '586 Patent) [was] made available on the source code
9 computer.” *Id.*, Ex. 2 at 97.

10 At the time that Sonos served its invalidity contentions, Google had yet to serve
11 infringement contentions with pinpoint source code citations.¹ Accordingly, in its invalidity
12 contentions, “Sonos expressly reserve[d] the right to amend or supplement these contentions . . .
13 once Plaintiff serves amended Infringement Contentions with pinpoint source code citations.” *Id.*
14 at 2. With regard to the documents produced pursuant to Patent Local Rule 3-4, Sonos noted that
15 “Sonos further reserves the right to supplement these disclosures following the receipt of more
16 fulsome and rules-compliant infringement contentions from Plaintiff.” *Id.* at 96.

17 As instructed by Judge Chen at the initial scheduling conference, the parties conferred on a
18 schedule for production of technical documents and a schedule for amended infringement
19 contentions with “pinpoint source code citations,” and eventually the parties stipulated Google
20 would serve amended infringement contentions 90 days after Sonos produced both the source code
21 and technical documents specified in Patent L.R. 3-4(a). ECF No. 59. Google timely served its
22 amended infringement contentions with pinpoint citations on March 15, 2021. Caridis Decl., Ex.
23 4. In those contentions, Google identified the source code of the accused products that it
24 contended meets the claim limitations of the '586 Patent. Sonos states that these amended
25 contentions enabled it to understand Google’s specific infringement theories and make a further
26 assessment of whether the identified functionality was part of the Sonos source code that pre-dated
27 the priority date of the '586 Patent. Mot. at 3. In response, Google states that its contentions

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¹ According to Google, it served its initial infringement contentions regarding the '586 Patent on
October 29, 2020. Response at 1.

1 “have always been adequate, and Sonos has not filed any challenge to the adequacy of those
2 contentions. Nor has Google’s infringement theory changed: Google’s theory has remained
3 consistent throughout this case, and Google provided ‘pinpoint source code’ citations on the
4 parties’ agreed-upon schedule.” Response at 1.

5 On May 10, 2021, Sonos notified Google that it intended to amend its invalidity
6 contentions relating to the ’586 Patent as it related to Sonos’s prior invention defense based on
7 Sonos’s own prior work. Caridis Decl., Ex. 5 (email chain between David Grosby, Cole Richter
8 and Patrick Schmidt regarding Sonos’s amended invalidity contention chart regarding the ’586
9 patent, dated May 10, 2021 to July 28, 2021) at 2 (Grosby email dated May 10, 2021). Sonos
10 explained that it had reviewed Google’s amended contentions, including “code citations and
11 accompanying discussions and determined that the same functionality set forth in those code
12 citations were conceived prior to the ’586’s claimed priority date.” *Id.* Sonos attached its
13 proposed amended claim chart (both in clean and redline versions) which included citations to
14 Sonos’s prior art source code. *See generally* Caridis Decl, Ex. 1 (Am. Ex. D-4), Ex. 6 (Redline of
15 Am. Ex. D-4). The claim chart explained that Sonos’s amended contentions were a result of
16 receiving amended infringement contentions from Google. *See, e.g.*, Ex. 1 at 2 (“With respect to
17 limitation 1.1, functionality that Google accuses of satisfying this limitation (see Exhibit D to
18 Google’s 1st Amended Infringement Contentions at pp. 26-27), as well as other functionality that
19 satisfies this limitation under Google’s apparent interpretation, was conceived of and/or reduced to
20 practice prior to May 27, 2004.”).

21 Sonos asked Google whether it objected to the amendment. *Id.*, Ex. 5 at 2 (Grosby email
22 dated May 10, 2021). In response, Google asked Sonos several questions about the new claim
23 chart, asked Sonos to confirm that Sonos had made available for inspection all cited source code,
24 and asserted that it was prejudiced by the new contentions. *Id.*, Ex. 7 (Schmidt letter dated May
25 21, 2021). Sonos responded to Google’s questions by email on June 14, 2021. *Id.* Ex. 8. Several
26 weeks later, Sonos again inquired whether Google would oppose its motion for leave to amend its
27 invalidity contentions. *Id.*, Ex. 5 at 1 (Richter email dated July 20, 2021). Google responded that
28 it “will not be taking any position as to whether Sonos can establish good cause to amend the

1 invalidity contentions based on its own source code at this point.” *Id.* at 1 (Schmidt email dated
2 July 28, 2021).

3 **C. Google’s Amended Infringement Contentions**

4 In comparing Google’s original and amended infringement contentions, Sonos maintains
5 Google’s amended claim chart directed to the ’586 Patent contain extensive new arguments about
6 how, in Google’s estimation, the Accused Products meet each claim limitation. Sonos provided a
7 redline showing changes between Google’s original ’586 claim chart and its amended claim chart
8 (*Id.*, Ex. 9), showing that for most claim elements, Google included citations to Sonos’s source
9 code.

10 As an example, Sonos points to claim element 1(g), which reads “receive a communication
11 packet using the wireless transceiver, the communication packet including a preamble portion, an
12 identification code portion, a data payload portion, and an integrity portion.” On its face, this
13 element requires that communication packets include specific portions. Sonos contends Google’s
14 original contentions “parroted” the claim language and noted that the Accused Products may
15 utilize certain communications protocols, but Google did not provide any specifics as to what it
16 contended was any of the required portions of the communication packets. Mot. at 4; *see* Caridis
17 Decl., Ex. 10 (Google’s Original ’586 Contentions) at 71. In contrast, Google’s amended
18 contentions cite specific portions of Sonos’s source code, arguing that the cited code evidences the
19 claimed portions of communication packets. For example, at page 102, Google includes a
20 subheader for “Preamble Portion” and cites several source code files that, according to Google,
21 show the claimed preamble. Similarly, Google includes subheadings for “Identification Code
22 Portion” (page 105), “Data Payload Portion” (page 107), and “Integrity Portion” (page 108). Each
23 of these subheadings reference Sonos’s source code. Caridis Decl., Ex. 11 (Google’s Amended
24 ’586 Contentions). Before receiving these amended contentions, Sonos maintains it had no way of
25 knowing what specific portions of its source code Google believed evidenced the claimed packet
26 portions.

27 As another example, Sonos points to claim element 1(h), which requires comparing the
28 identification code portion with a table of identifiers. Sonos states that Google’s original ’586

1 contentions did not identify what Google asserted was the claimed “comparison” nor the claimed
 2 “identifiers.” *See id.*, Ex. 10 (Google’s Original ’586 Contentions) at 87-106. Instead, Sonos
 3 maintains Google “parroted” the claim language and cited documents that Google believed
 4 suggested the presence of a comparison and a table, but Google didn’t identify what it claimed
 5 meets those limitation. Mot. at 5 (citing Caridis Decl., Ex. 10). In its amended ’586 contentions,
 6 Google relies on Sonos’s produced source code to identify various “lists” and “databases” that
 7 Google contends are the claimed “table of identifiers.” Caridis Decl., Ex. 11 (Google’s amended
 8 ’586 contentions) at 127-134. Sonos again maintains that without these amended contentions, it
 9 had no way of knowing what specific data structures or functions Google contended infringed this
 10 claim element. Mot. at 5.

11 III. LEGAL STANDARD

12 This Court’s Patent Local Rules require parties to identify their respective infringement
 13 and invalidity theories early in the litigation. *See* Patent L.R. 3-1, 3-3. The Patent Local Rules
 14 “exist to further the goal of full and timely discovery and to provide all parties with adequate
 15 notice and information with which to litigate their cases.” *Fresenius Med. Care Holdings, Inc. v.*
 16 *Baxter Int’l Inc.*, 2006 WL 1329997, at *4 (N.D. Cal., May 15, 2006). The Rules “requir[e] both
 17 the plaintiff and the defendant in patent cases to provide early notice of their infringement and
 18 invalidity contentions, and to proceed with diligence in amending those contentions when new
 19 information comes to light in the course of discovery.” *O2 Micro Int’l Ltd. v. Monolithic Power*
 20 *Sys., Inc.*, 467 F.3d 1355, 1365–66 (Fed. Cir. 2006).

21 Patent Local Rule 3-6 allows a party to amend its infringement or invalidity contentions
 22 only upon a showing of good cause:

23 Amendment of the Infringement Contentions or the Invalidity
 24 Contentions may be made only by order of the Court upon a timely
 25 showing of good cause. Nonexhaustive examples of circumstances
 that may, absent undue prejudice to the nonmoving party, support a
 finding of good cause include:

26 (a) A claim construction by the Court different from that proposed by
 27 the party seeking amendment;

28 (b) Recent discovery of material, prior art despite earlier diligent
 search; and

1 (c) Recent discovery of nonpublic information about the Accused
 2 Instrumentality which was not discovered, despite diligent efforts,
 before the service of the Infringement Contentions.

3 The moving party has the burden of demonstrating good cause. *O2 Micro*, 467 F.3d at 1366.
 4 “The good cause inquiry is two-fold: (1) whether the moving party was diligent in amending its
 5 contentions; and (2) whether the non-moving party would suffer prejudice if the motion to amend
 6 were granted.” *24/7 Customer, Inc. v. Liveperson, Inc.*, 2016 WL 6673983, at *2 (N.D. Cal. Nov.
 7 14, 2016).

8 IV. DISCUSSION

9 Sonos argues good cause exists to permit its amendments for three reasons: (1) the
 10 requested amendments respond directly to Google’s amended infringement contentions; (2) it
 11 diligently investigated Google’s amended infringement contentions and sought amendment; and
 12 (3) Google would suffer no prejudice were its request granted. Mot. at 7. Google “takes no
 13 position on whether Sonos can meet its burden of demonstrating ‘good cause’ on this record,” but
 14 “does not appreciate Sonos attempting to cast blame on Google for Sonos’ own lack of diligence
 15 and Sonos’ untimely production of source code.” Response at 2.

16 A. Sonos’s Amendments Respond to Google’s Amended Infringement Contentions

17 As a preliminary matter, “[i]t is generally permissible for a party to amend its invalidity
 18 contentions in response to the patentee amending its infringement contentions.” *Verinata Health,*
 19 *Inc. v. Ariosa Diagnostics, Inc.*, 2014 WL 1648175, at *2 (N.D. Cal. Apr. 23, 2014) (citing *DCG*
 20 *Sys. v. Checkpoint Techs., LLC*, 2012 U.S. Dist. LEXIS 117370, at *4 (N.D. Cal. Aug. 20, 2012)).
 21 This fact constitutes good cause for permitting Sonos leave, particularly in light of the fact that
 22 Sonos does not seek leave to add a new invalidity theory, but rather only to add detail to its
 23 existing theory in response to Google’s amended infringement contentions. *See, e.g., Facebook,*
 24 *Inc. v. BlackBerry Ltd.*, 2020 WL 864934, at *3 (N.D. Cal. Feb. 13, 2020), *report and*
 25 *recommendation adopted*, 2020 WL 9422395 (N.D. Cal. Mar. 30, 2020) (“Courts in this Circuit
 26 have recognized that it is generally permissible for a party to amend its invalidity contentions in
 27 response to the patentee amending its infringement contentions.”) (internal quotation marks and
 28 citation omitted); *Synchronoss Techs., Inc. v. Dropbox Inc.*, 2018 WL 5619743, at *6 (N.D. Cal.

1 Oct. 29, 2018) (same); *Verinata*, 2014 WL 1648175, at *2 (same); *Advanced Micro Devices, Inc.*
 2 *v. LG Elecs., Inc.*, 2017 WL 2774339, at *6 (N.D. Cal. June 26, 2017) (same); *see also DCG Sys.,*
 3 *Inc. v. Checkpoint Techs., LLC*, 2012 WL 12140357, at *1 (N.D. Cal. Aug. 20, 2012) (“DCG’s
 4 amended infringement contentions warrant additional amendments to the invalidity contentions.”).
 5 Here, as in each of these cases, Google’s amended infringement contentions warrant amendments
 6 to Sonos’s invalidity contentions.

7 **B. Sonos Diligently Investigated Google’s Disclosures and Sought Amendment**

8 In addition, it appears that Sonos was diligent in seeking amendment of its contentions.
 9 Diligence is “the critical issue” in the good cause determination. *Sunpower Corp. Sys. v. Sunlink*
 10 *Corp.*, 2009 WL 1657987, at *1 (N.D. Cal., June 12, 2009). “[T]he diligence required for a
 11 showing of good cause has two phases: (1) diligence in discovering the basis for amendment; and
 12 (2) diligence in seeking amendment once the basis for amendment has been discovered.” *Positive*
 13 *Techs., Inc. v. Sony Elecs., Inc.*, 2013 WL 322556, at *2 (N.D. Cal. Jan. 28, 2013) (citing *Yodlee,*
 14 *Inc. v. CashEdge, Inc.*, 2007 WL 1454259, at *3 (N.D. Cal. May 17, 2007)).

15 After Google served its amended infringement contentions on March 15, 2021, identifying
 16 the source code it accuses of infringement, Sonos investigated and confirmed that the functionality
 17 and code was invented by Sonos prior to the ’586 Patent priority date. Boyea Decl. ¶ 10. All told,
 18 Sonos spent less than two months reviewing Google’s amended infringement contentions and the
 19 source code cited therein and investigating Sonos’s invention of the accused functionality. The
 20 Court finds this was a diligent investigation under the circumstances. *See, e.g., In re RAH Color*
 21 *Techs. LLC Pat. Litig.*, 2021 WL 1197478, at *3 (N.D. Cal. Mar. 30, 2021) (finding diligence
 22 where accused infringer obtained access to source code in May and sought amendment in August);
 23 *Network Appliance Inc. v. Sun Microsystems Inc.*, 2009 WL 2761924, at *3 (N.D. Cal. Aug. 31,
 24 2009) (finding two-month source code review diligent in investigating basis for amended
 25 invalidity contention); *Synchronoss*, 2018 WL 5619743, at *6; *Karl Storz Endoscopy-Am., Inc. v.*
 26 *Stryker Corp.*, 2016 WL 2855260, at *6 (N.D. Cal. May 13, 2016) (finding delay of “four-plus
 27 months” diligent). Sonos was not required to have anticipated Google’s future arguments at the
 28 earliest possible moment. *See, e.g., Fujifilm Corp. v. Motorola Mobility LLC*, 2014 WL 491745,

1 at *4 (N.D. Cal. Feb. 5, 2014) (“Although hindsight is often ‘20/20,’ . . . new information learned
2 in discovery can lead a party to understandably reevaluate evidence found earlier.”). Thus, even if
3 it would have been theoretically possible for Sonos to anticipate and investigate every possible
4 Sonos functionality that Google might accuse, this does not negate a showing of good cause.

5 Sonos also diligently sought leave to amend once it discovered the basis for the requested
6 amendments. After confirming that the accused Sonos functionality was invented before the
7 priority date of the ’586 Patent, Sonos prepared amended invalidity contentions and provided to
8 Google a full claim chart detailing the amended theory. This notice, within two months of
9 receiving Google’s amended infringement contentions, was diligent under the circumstances. *See,*
10 *e.g., Karl Storz Endoscopy-America, Inc.*, 2016 WL 2855260, at *7 (recognizing with approval
11 that “courts in this District have held that mere notice, short of an actual motion, can be sufficient
12 for diligence”) (citing *The Bd. of Trs. of Leland Stanford Junior Univ. v. Roche Molecular Sys.,*
13 *Inc.*, 2008 WL 624771, at *3 (N.D. Cal. Mar. 4, 2008) (finding four-month delay diligent where
14 “[plaintiff] was arguably not diligent in pursuing amendment with th[e] court,” but was diligent in
15 providing defendant with notice of amended contentions)). Although nearly three further months
16 have passed since Sonos provided Google notice of its proposed amendments, this delay was the
17 result of Sonos’s attempts to give Google time to determine whether it would oppose the motion.
18 During this time, Google was in possession of the claim chart that Sonos now seeks to add to its
19 contentions. Once Google informed Sonos of its position, Sonos filed the instant motion.

20 In sum, Sonos’s requested amendments respond directly to information disclosed for the
21 first time in Google’s amended infringement contentions, Sonos diligently investigated Google’s
22 new allegations, and Sonos diligently sought amendment once it discovered the basis for the
23 instant motion. These facts provide good cause to grant Sonos’s motion.

24 **C. Sonos’s Requested Amendment Will Not Unduly Prejudice Google**

25 Moreover, amendment of Sonos’s invalidity contentions would not prejudice Google.
26 Even if the Court determined that Sonos was not diligent, it retains discretion to grant leave to
27 amend even in the absence of diligence so long as there is no prejudice to Google. *See, e.g., Apple*
28 *Inc. v. Samsung Elecs. Co., Ltd.*, 2012 WL 5632618, at *5-6 (N.D. Cal., Nov. 15, 2012).

1 Prejudice is typically found when the movant seeks to amend late in a case’s pre-trial schedule or
2 when amendment would disrupt a previous motion or order. *See, e.g., Yodlee, Inc.*, 2007 WL
3 1454259, at *3 (finding no prejudice when non-movant had not filed any substantive motion that
4 would be impacted/mooted by amendment, and “ample time” was left for discovery); *Apple Inc.*,
5 2012 WL 5632618, at *6 (finding no prejudice when non-movant had “ample” time left for
6 discovery); *Berger v. Rossignol Ski Co.*, 2006 WL 1095914, at *4 (N.D. Cal. Apr. 25, 2006), *aff’d*,
7 214 F. App’x 981 (Fed. Cir. 2007) (finding prejudice when non-movant had already prepared a
8 summary judgment motion based on non-amended contentions); *Google, Inc. v. Netlist, Inc.*, 2010
9 WL 1838693, at *2 (N.D. Cal. May 5, 2010) (finding prejudice when amendment was sought a
10 day before the close of fact discovery). The prejudice inquiry is included to “prevent the parties
11 from shifting their theories in reaction to adverse substantive rulings,” in order to “prevent the
12 ‘shifting sands’ approach to claim construction.” *Yodlee, Inc.*, 2007 WL 1454259, at *1–2.

13 While Google has taken no position as to any prejudice it would suffer, the Court finds that
14 any prejudice that may be caused by Sonos’s amendment invalidity contentions is not undue
15 because Sonos seeks to amend as a direct result of Google’s amended infringement contentions.
16 *See Synchronoss*, 2018 WL 5619743, at *6 (“The Court finds, in its discretion, that Dropbox
17 should be permitted to amend its Invalidity Contentions for at least the equitable reason that
18 Synchronoss has been permitted to amend its Infringement Contentions.”). Further, Google has
19 been on notice of the substance of Sonos’s requested amendments since Sonos’s initial invalidity
20 contentions, which disclosed the Sonos system as prior art to the ’586 Patent, including under 35
21 U.S.C. § 102(g). In its initial contentions, Sonos explained that each limitation of the ’586 Patent
22 was found in the Sonos prior art system, citing Sonos documents and the Sonos source code base.
23 Sonos provided this source code for Google’s review. Boyea Decl. ¶ 4. Sonos’s requested
24 amendments disclose this theory in more detail based on Google’s amended infringement
25 contentions. Because Google was on notice of this theory from the outset, the Court finds no
26 undue prejudice. *See, e.g., Synchronoss*, 2018 WL 5619743, at *6 (no prejudice where initial
27 invalidity contentions placed patentee on notice of invalidity theory).

28 Finally, Sonos disclosed its proposed amendments well in advance of the close of fact and

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1 expert discovery. Courts routinely find no prejudice where, as here, the proposed amendments
2 pose no risk to discovery and motion deadlines or the trial schedule. *See, e.g., Verinata*, 2014 WL
3 1648175, at *3 (no prejudice where the deadlines for fact discovery, expert discovery, and trial
4 were four, seven, and ten months away, respectively); *Golden Hour Data Sys., Inc. v. Health*
5 *Servs. Integration, Inc.*, 2008 WL 2622794, at *4 (N.D. Cal. July 1, 2008) (finding no prejudice
6 where three months remained in fact discovery); *Yodlee, Inc.*, 2007 WL 1454259, at *3 (finding
7 no prejudice where two months remained in fact discovery). Here, the presiding judge has not set
8 deadlines fact and expert discovery (let alone trial). As a result, there remains ample time for
9 Google to investigate and respond to Sonos's proposed amendments without any adverse impact
10 on the case schedule.

11 Accordingly, the Court finds that Sonos's amendment will not prejudice Google.

12 **V. CONCLUSION**

13 For the reasons stated above, the Court finds Sonos has established good cause to amend
14 and therefore **GRANTS** Sonos's motion to amend its infringement contentions.

15 **IT IS SO ORDERED.**

16
17 Dated: September 7, 2021



THOMAS S. HIXSON
United States Magistrate Judge

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