

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

3  
4 ADOBE SYSTEMS INCORPORATED,

No. C 10-2769 CW

5                                    Plaintiff,

ORDER SETTING  
BRIEFING AND  
HEARING SCHEDULE  
ON PLAINTIFF'S  
MOTION TO QUASH  
(Docket No. 180)

6                                    v.

7 HOOPS ENTERPRISE LLC; and ANTHONY  
8 KORNRUMPF,

9                                    Defendants.

10 \_\_\_\_\_/  
11 \_\_\_\_\_/  
12 AND ALL RELATED CLAIMS

13                                    Plaintiff Adobe Systems Inc. has filed a motion to quash  
14 trial subpoenas issued by Defendants Hoops Enterprise LLC and  
15 Anthony Kornrumpf to third parties Hewlett-Packard Co., Dell, Inc.  
16 and Fujitsu Computer Products of America, Inc. Plaintiff  
17 represents that "Defendants' trial subpoenas expressly state they  
18 seek evidence concerning 'first sale' issues and nothing else."  
19 Mot. to Quash at 1. Plaintiff seeks to quash these subpoenas,  
20 because the Court has already granted partial summary judgment in  
21 Plaintiff's favor and found that the first sale defense is  
22 inapplicable. See Docket No. 160. Plaintiff also requests  
23 attorneys' fees and costs incurred in connection with the motion  
24 to quash and its concurrently-filed motion in limine, seeking to  
25 exclude from trial all references to the first sale doctrine.

26                                    The Court hereby SETS a briefing and hearing schedule for  
27 Plaintiff's motion to quash as follows: Defendants' response to  
28 Plaintiff's motion to quash, limited to five pages or less, shall

1 be filed no later than Wednesday, May 30, 2012. The Court will  
2 conduct a hearing on Plaintiff's motion to quash on Wednesday,  
3 June 6, 2012 at 2:00 p.m., concurrently with the final pretrial  
4 conference and hearing on motions in limine.

5 IT IS SO ORDERED.

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7 Dated: May 23, 2012

  
8 CLAUDIA WILKEN  
9 United States District Judge  
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