

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 REGARDING
THE CALCULATION OF
STATUTORY DAMAGES
AND CONFIRMING
TRIAL DATE

6 v.

7 HOOPS ENTERPRISE LLC; and ANTHONY
8 KORNRUMPF,

9 Defendants.

10 _____/
11 _____/
12 AND ALL RELATED CLAIMS

13 At the final pretrial conference on June 6, 2012, Defendants
14 Hoops Enterprise, LLC and Anthony Kornrumpf raised an issue of how
15 statutory damages for copyright infringement will be assessed in
16 this case. Specifically, Defendants argued that certain
17 copyrighted software that Plaintiff Adobe Systems Incorporated
18 alleges that they distributed constitute a compilation under
19 U.S.C. § 504, and that one award of statutory damages should be
20 made for each compilation distributed, and not for each work. The
21 parties had not previously raised this issue before this Court.
22 The Court directed Defendants to file a short brief on the issue
23 by June 8, 2012 by noon and Adobe to file a response by June 11,
24 2012 by noon. Docket No. 219.

25 On June 11, 2012, the Court granted the parties' stipulation
26 to extend the briefing schedule on this issue. Docket No. 223.
27 Under the extended briefing schedule, Defendants' brief was due by
28

1 5:00 p.m. on June 12, 2012, and Adobe's brief was due by 5:00 p.m.
2 on June 14, 2012.

3 While Adobe filed its required brief on June 14, 2012 before
4 5:00 p.m., Defendants have failed a brief on this issue.
5 Apparently, they have abandoned their argument that the software
6 titles constitute a compilation and statutory damages should be
7 assessed once for each software compilation, instead of once for
8 each work.

9 The trial date in this matter is maintained before this Court
10 for the week of June 18, 2012. The trial will trail a criminal
11 trial. The parties must be ready to begin trial on twenty-four
12 hours' notice.

13 Alternatively, the parties may consent to the jurisdiction of
14 a magistrate judge for trial. Should the parties so consent,
15 Magistrate Judge Jacqueline Scott Corley is available to begin
16 trial in this matter on a date certain the week of Monday, June
17 18, 2012. Parties may indicate their consent by filing the
18 attached form.

19 IT IS SO ORDERED.

20
21 Dated: 6/15/2012


CLAUDIA WILKEN
United States District Judge

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

ADOBE SYSTEMS INCORPORATED,

Plaintiff,

v.

HOOPS ENTERPRISE LLC; and ANTHONY
KORNRUMPF,

Defendants.

No. C 10-2769 CW

CONSENT TO PROCEED
BEFORE A UNITED
STATES MAGISTRATE
JUDGE

AND ALL RELATED CLAIMS

CONSENT TO PROCEED BEFORE UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned party hereby voluntarily consents to have United States Magistrate Judge Jacqueline Scott Corley conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

Dated: _____

Signature

Counsel for _____
(Plaintiff or Defendants)