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4 UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6 OAKLAND DIVISION

7 ZIPTRONIX, INC.,

8 Plaintiff,

9 vs.

10 OMNIVISION TECHNOLOGIES, INC.,
11 TAIWAN SEMICONDUCTOR
12 MANUFACTURING COMPANY LTD., and
13 TSMC NORTH AMERICA CORP.,

Defendants.

Case No: C 10-05525 SBA

**ORDER GRANTING MOTION
FOR CLARIFICATION RE
DISCOVERY LIMITS**

Docket 286

14 The parties are presently before the Court on Defendants Taiwan Semiconductor
15 Manufacturing Company Ltd. ("TSMC Ltd.") and TSMC North America Corp.'s ("TSMC
16 NA") (collectively, "TSMC") motion for clarification regarding discovery limits.¹ Dkt.
17 286. Plaintiff Ziptronix, Inc. ("Ziptronix") opposes the motion to the extent TSMC seeks
18 clarification that Ziptronix may only take a maximum of 20 hours of Rule 30(b)(6)
19 depositions of TSMC. Dkt. 293. According to Ziptronix, it is entitled to take a total of 40
20 hours of Rule 30(b)(6) depositions of TSMC, consisting of a maximum of 20 hours of Rule
21 30(b)(6) depositions of TSMC Ltd., and a maximum of 20 hours of Rule 30(b)(6)
22 depositions of TSMC NA. Id.

23 Having read and considered the papers filed in connection with this matter, and
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25 ¹ On April 13, 2011, the parties filed a "Joint Federal Rule of Civil Procedure 26(f)
26 Report" ("Rule 26(f) Report" or "Joint Report"). Dkt. 42. In paragraph six of the Joint
27 Report, the parties agreed to certain discovery limitations. Id. On February 6, 2012, the
28 Court issued a Case Management Order adopting the parties' Amended Joint Case
Management Statement (Dkt. 70). Dkt. 75. The parties' Amended Joint Case Management
Statement incorporated by reference the discovery limitations set forth in the parties' Rule
26(f) Report. See Dkt. 70.

1 having reviewed the record, the Court hereby GRANTS TSMC's motion.² The Court
2 concludes that TSMC Ltd. and TSMC NA shall collectively be treated as one "party" for
3 purposes of the discovery limits set forth in paragraph six of the parties' Rule 26(f) Report.
4 See Dkt. 42. Accordingly, Ziptronix may only take a maximum of 20 hours of Rule
5 30(b)(6) depositions of TSMC.

6 If any party wishes to modify the discovery limitations established by the Court's
7 February 6, 2012 Case Management Order, the party shall file a duly noticed motion under
8 Rule 16 of the Federal Rules of Civil Procedure. Prior to the filing of any such motion, the
9 parties shall meet and confer to discuss the issues presented by the motion as required by
10 this Court's Standing Orders. See Dkt. 21. The meet and confer requirement is essential to
11 conserving the limited time and resources of the Court and the parties by obviating the
12 filing of unnecessary motions. See Wong v. Astrue, 2008 WL 4167507, at *2 (N.D. Cal.
13 2008) ("The purpose of the [meet and confer] requirement is to encourage settlement,
14 resolve disputes which need not involve the Court, and avoid unnecessary litigation, thus
15 saving the parties', the Court's, and the taxpayers' limited time, money, and resources.").
16 The Court advises the parties that it may disregard any papers submitted that do not comply
17 with the meet and confer requirement. This Order terminates Docket 286.

18 IT IS SO ORDERED.

19 Dated: 8/9/2013


SAUNDRA BROWN ARMSTRONG
United States District Judge

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² The Court, in its discretion, finds this matter suitable for resolution without oral argument. See Fed.R.Civ.P. 78(b); N.D. Cal. Civ. L.R. 7-1(b).