

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DOMINION ASSETS LLC,  
Plaintiff,  
v.  
MASIMO CORPORATION, et al.,  
Defendants.

Case No. [12-cv-02773-CW](#) (MEJ)

**DISCOVERY ORDER**

Re: Dkt. No. 53

The Court is in receipt of the parties’ Joint Letter Regarding Discovery Dispute, filed November 6, 2013. Dkt. No. 53. In the letter, the parties request that the Court rule on the following issues: (1) Plaintiff seeks that the Court overrule certain objections of Defendants and direct them to produce the relevant source code; and (2) Defendants seek that the Court strike and exclude any doctrine of equivalents infringement theory and compel Plaintiff to further supplement its infringement contentions prior to Defendant Masimo producing its source code.

Having reviewed the parties’ letter, the Court ORDERS as follows:

The Court finds Plaintiff has complied with Patent Local Rule 3-1 to the best of its current ability. To this extent, the Court **DENIES** Defendants’ request. Once Plaintiff has access to the source code, it will be able to supplement its 3-1 disclosures and better inform Defendants as to its infringement contentions. The Court also **DENIES** Defendants’ request to exclude any doctrine of equivalents theory. The Court **GRANTS** Plaintiff’s request for Defendants to produce the relevant source code.

**IT IS SO ORDERED.**

Dated: November 7, 2013

  
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MARIA-ELENA JAMES  
United States Magistrate Judge