

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANGIOSCORE, INC.,

Plaintiff,

vs.

TRIROME MEDICAL, INC., *et al.*,

Defendants.

Case No.: 12-CV-3393 YGR

**ORDER GRANTING MOTION FOR LEAVE TO
FILE SUPPLEMENTAL AND SECOND AMENDED
COMPLAINT; IMPOSING SANCTIONS;
AUTHORIZING DEPOSITION; EXCUSING
REQUIREMENT OF PRE-FILING CONFERENCE;
VACATING CLAIM CONSTRUCTION HEARING;
OVERRULING OBJECTION AS MOOT**

TO ALL PARTIES AND COUNSEL OF RECORD:

On November 8, 2013, the Court held a hearing on Plaintiff AngioScore, Inc.'s motion for leave to file a Supplemental and Second Amended Complaint (Dkt. No. 90 ("Motion for Leave to Amend")), as well as the Court's Order to Show Cause why discovery sanctions should not be imposed against Defendants and their counsel (Dkt. No. 93).

For the reasons stated on the record at the November 8 hearing, the Court hereby **ORDERS** the following:

AngioScore's Motion for Leave to Amend is **GRANTED**.

Defendants and their counsel are **SANCTIONED** for their attempted use of the Court's discovery process to obtain injunctive relief, despite lacking substantial justification for doing so. A sanction in the amount of \$4,300.00 shall be paid to Plaintiff, and a notice of payment filed with the Court, within seven (7) days.

Defendants are **AUTHORIZED** to take the deposition of Yancy Meneses, a paralegal at the firm of Plaintiff's counsel. The deposition shall not exceed one (1) hour. Questioning shall be limited to

1 the matter of Plaintiff's counsel's procurement of Exhibits 3 through 5 to the declaration of James W.
2 Geriak filed in support of Plaintiff's Motion for Leave to Amend (Dkt. No. 91). Plaintiff's counsel's
3 law firm shall take every reasonable measure to make Ms. Meneses available for her deposition.

4 The parties are hereby **EXCUSED** from the undersigned's requirement of a pre-filing conference
5 before filing summary judgment motions in this case.


6 The claim construction hearing scheduled for November 15, 2013, is hereby **VACATED**. The
7 Court will undertake claim construction in parallel with any motions for summary judgment or, if
8 need be, trial.

9 Plaintiff objects to and moves to strike the declaration of Dr. Amir Belson, which Defendants
10 filed in connection with their claim construction brief. The objection is **OVERRULED** and motion
11 **DENIED**, as both are now moot. This Order does not prejudice Plaintiff from challenging Dr. Belson's
12 testimony or expertise when the matter of claim construction comes before the Court.

13 This Order terminates Docket No. 90.

14 **IT IS SO ORDERED.**

15 Dated: November 13, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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