

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

United States District Court  
Northern District of California

FINISAR CORPORATION,

Plaintiff,

v.

NISTICA, INC.,

Defendant.

Case No.: C-13-03345 YGR (JSC)

**ORDER SETTING HEARING FOR  
DEFENDANT’S MOTION TO LIMIT  
THE NUMBER OF ASSERTED  
PATENT CLAIMS**

In this patent infringement action Plaintiff served infringement contentions for 141 separate claims. Now pending before the Court are the following three motions filed by Defendant: 1) motion to limit the number of asserted patent claims; 2) motion to shorten time for briefing and hearing on Defendant’s motion to limit the number of asserted patent claims; and 3) motion to strike infringement contentions. (Dkt. Nos. 49-51.) The motions have been assigned to the undersigned magistrate judge for a report and recommendation. (Dkt. No. 54.)

Federal Rule of Civil Procedure 1 commands courts to construe and administer the federal rules “to secure the just, speedy, and inexpensive determination of every action and proceeding.” To that end, the Court schedules an initial hearing on Defendant’s motion to limit the number of asserted

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

patent claims for **Monday, February 3, 2014 at 9:30 a.m.** The parties shall arrive prepared to discuss what specific documents and other information is necessary to facilitate the reduction of the 141 asserted claims in a nonrandom manner. Specifically, Plaintiff shall come prepared to discuss what information it needs to make an informed decision as to whether a particular asserted claim will remain in the case; Defendant shall also come prepared to discuss what information it can provide for each asserted claim that will allow Plaintiff to make its informed decision. The parties will meet and confer in the Court's jury room and attempt to resolve the dispute on their own. If any dispute remains following the parties' meet and confer, the Court will hear it at 2:30 p.m.

Further, the Court suspends the briefing on Defendant's motion to limit the asserted claims pending the February 3 hearing. The February 5, 2014 deadline to submit invalidity contentions is also vacated. A new deadline will be discussed at the February 3 hearing. The Court also moves the hearing for Defendant's motion to strike infringement contentions from March 4, 2014 to March 6, 2014 at 9:00 a.m. The briefing schedule for the motion to strike remains in place given that neither party has moved to change those dates.

This Order disposes of Docket Number 50.

IT IS SO ORDERED.

Dated: January 27, 2014

  
\_\_\_\_\_  
JACQUELINE SCOTT CORLEY  
UNITED STATES MAGISTRATE JUDGE