

1 E-filed on 10/26/06

2

3

4

5

6

7

8

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

9

10

SAN JOSE DIVISION

11

12

IN RE CYGNUS TELECOMMUNICATIONS
TECHNOLOGY, LLC, PATENT
LITIGATION

No. MDL-1423
This Order Applies to All Actions

13

14

THIS ORDER RELATES TO:
All Actions

- C-02-00142 RMW
- C-02-00145 RMW
- C-02-05437 RMW
- C-03-03594 RMW
- C-03-03596 RMW
- C-03-03378 RMW
- C-03-04003 RMW
- C-04-03001 RMW
- C-04-03365 RMW
- C-04-04247 RMW
- C-04-04359 RMW
- C-06-03843 RMW
- C-06-04295 RMW
- C-06-06479 RMW

15

16

17

18

19

20

21

ORDER REGARDING SUBJECT-MATTER
JURISDICTION

22

23

24

25

26

27


28

On October 24, 2006, defendants filed a notice of a potential defect in this court's subject-matter jurisdiction and stated that they may move to dismiss on that ground. Any questions regarding subject-matter jurisdiction should be resolved prior to the hearing on claim construction and associated summary judgment motions currently set for November 20. To accommodate the competing concerns of expediency and efficiency presented by this situation, the court would strongly prefer defendants to file any motion to dismiss for lack of subject-matter jurisdiction—and

1 only if one is warranted—jointly by October 31, 2006. If the defendants do file such a motion by
2 that date, plaintiff's reply shall be due November 4, defendants' joint reply shall be due November 6,
3 and a hearing shall be held on the motion on November 10, 2006. Other deadlines previously set by
4 the court shall remain in effect absent further order of the court, except that if defendants move to
5 dismiss for lack of subject-matter jurisdiction by October 31, 2006, the reply briefs currently due
6 November 10, 2006 may be filed the following Monday, November 13. If the defendants move to
7 dismiss for lack of subject-matter jurisdiction after October 31, 2006, the parties shall endeavor to
8 have the motion briefed and heard as soon as possible.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: 10/26/06



RONALD M. WHYTE
United States District Judge

1 **A copy of this order was mailed on _____ to:**

2 **Counsel for Plaintiff:**

3 John P. Sutton
2421 Pierce Street
4 San Francisco, CA 94115-1131

Kieran Patrick Fallon
436 SW 8th Street
Miami, FL 33130-2814

5 **Counsel for Defendants:**

6 Alan M. Weisberg, Steven M. Greenberg
Christopher & Weisberg, P.A.
7 200 E. Las Olas Avenue
Suite 2040
8 Fort Lauderdale, FL 33301

Matthew Francis McGahren
Baum & McGahren
6171 Crooked Creek Road
Norcross, GA 30092

9 John C. Carey
Rodriguez Greenberg & Paul
10 1395 Brickell Ave, Suite 700
Miami, FL 33131

Lori D. Greendorfer, Maxim H. Waldbaum
Schiff Hardin LLP
623 Fifth Avenue
28th Floor
New York, NY 10022

11 Felice B. Galant, Gregory B. Wood
12 Fulbright & Jaworski L.L.P.
865 South Figueroa Street
13 Twenty-Ninth Floor
Los Angeles, CA 90017

Thomas T. Tamlyn
Yeskoo Hogan & Tamlyn, LLP
535 Fifth Avenue
New York, NY 10017

14 Joseph P. Zammit
15 Fulbright & Jaworski
666 Fifth Avenue
16 New York, NY 10103

Peter S. Canelias
Law Offices of Peter S. Canelias
420 Lexington Avenue
Suite 2148
New York, NY 10170

17 John F. Mardula, Jon L. Roberts
18 Roberts Mardula & Wertheim, LLC
11800 Sunrise Valley Drive
Suite 1000
19 Reston, VA 20191-5302

David T. Alexander
MBV Law LLP
855 Front Street
San Francisco, CA 94111

20 Richard B. Sheldon
Mitchell Silberberg & Knupp LLP
21 11377 West Olympic Boulevard
Los Angeles, CA 90064-1683

Jon M. Gibbs
Akerman, Senterfitt
255 S. Orange Avenue
Suite 1700
Post Office Box 0231
Orlando, FL 32802-0231

22 Jeffrey L. Silvestrini, Brian F. Roberts
23 Cohne Rappaport & Segal
P.O. Box 11008
24 Salt Lake City, UT 84147-0008

Elizabeth E. Green, R. Scott Shuker
Gronek & Latham, LLP
390 N. Orange Avenue
Suite 600
Orlando, FL 32801

25 Raymond J. Etcheverry
Parsons, Behle & Latimer
26 One Utah Center
201 South Main Street,
27 Suite 1800, Post Office Box 45898
Salt Lake City, UT 84145

Meredith L. Caliman
Meredith L. Caliman Law Offices
3858 Carson Street, Suite 120
Torrance, CA 90503-6705

Gregory J. Nelson
Nelson & Roediger
3333 E Camelback Road, Suite 212
Phoenix, AZ 85018

1 Peter Neil Greenfeld
Greenfeld Law Group
2 3333 E Camelback Road, Suite 212
Phoenix, AZ 85018-2324

3 Matthew McGahren
4 Baum, McGahren & Chiu, LLC
6171 Crooked Creek Road
5 Norcross, GA 30092

Courtesy Copy:

Clerk of the Panel
Judicial Panel on Multidistrict Litigation
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E.
Room G-255, North Lobby
Washington, DC 20002-8004

6
7 Counsel for plaintiff is responsible for ensuring that involved attorneys not on the above service list
8 receive a copy of this order, if necessary, and shall inform the court of any omissions.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28