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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Multiven, Inc.,
Plaintiff,
v.
Cisco Systems, Inc.,
Defendant.

Cisco Systems, Inc., et al.,
Counterclaimants,
v.
Multiven, Inc., et al.,
Counterdefendants.

NO. C 08-05391 JW

**ORDER APPOINTING SPECIAL
MASTER; SETTING DEPOSITION OF
PETER ALFRED-ADEKEYE; SETTING
BRIEFING SCHEDULE FOR
SUPPLEMENTAL MEMORANDA;
SETTING FURTHER HEARING ON
PARTIES' CROSS-MOTIONS FOR
PARTIAL SUMMARY JUDGMENT**

On April 12, 2010, the Court conducted a hearing on the parties' Cross Motions for Partial Summary Judgment.¹ At the hearing, the parties represented that Counterdefendant Peter Alfred-Adekeye is currently living abroad and unable to return to the United States due to his immigration status. For that reason, Counterclaimants as yet have been unable to take his deposition. However, the parties further represent that Mr. Alfred-Adekeye will make himself available for deposition in Vancouver, Canada between May 18 and 21, 2010. Since Mr. Alfred-Adekeye is a party to the litigation and his testimony is likely to be highly material, the Court finds good cause to reserve its

¹ (See Counterdefendants' Motion for Partial Summary Judgment, Docket Item No. 108; Motion of Cisco Systems, Inc. and Cisco Technology, Inc. for Partial Summary Judgment Against Peter Alfred-Adekeye and Multiven, Inc., Docket Item No. 111.)

1 decision as to the parties' Cross-Motions for Partial Summary Judgment pending the deposition of
2 Mr. Alfred-Adekeye and supplemental briefing from the parties regarding Mr. Alfred-Adekeye's
3 testimony.

4 Accordingly, the Court orders as follows:

- 5 (1) The Court appoints Mr. George C. Fisher² as Special Master for the deposition of Mr.
6 Alfred-Adekeye. The Special Master shall have full authority to resolve any disputes
7 or objections that may arise at the deposition. The parties shall contact Special
8 Master Fisher directly and make arrangements for his presence at the deposition. The
9 parties shall equally bear any costs associated with Mr. Fisher's services.
- 10 (2) As discussed at the hearing, the parties shall conduct the deposition of Mr. Alfred-
11 Adekeye at the time most convenient for all parties between **May 18 and 21, 2010** at
12 a location to be determined in Vancouver, Canada.
- 13 (3) On or before **May 27, 2010**, the parties shall file supplemental memoranda on their
14 Cross-Motions for Partial Summary Judgment regarding any evidence gleaned from
15 Mr. Alfred-Adekeye's deposition relevant to the present motions. Parties shall limit
16 their briefs to ten pages each.
- 17 (4) On **June 7, 2010 at 9 a.m.**, the parties shall appear for a further hearing on the
18 parties' Cross-Motions for Partial Summary Judgment.

19
20 Dated: April 13, 2010



JAMES WARE
United States District Judge

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27 ² Mr. Fisher's contact information is as follows: 2600 El Camino Real, Suite 410, Palo Alto,
28 California 94306, ph: (650) 799-5480, fax: (650) 475-1849, email: georgecfisher@gmail.com.

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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9 Thomas Michael O'Leary to'leary@ropers.com

10 **Dated: April 13, 2010**

Richard W. Wieking, Clerk

11 **By: /s/ JW Chambers**
12 **Elizabeth Garcia**
13 **Courtroom Deputy**

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