

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

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

Intel Corp.,  
\_\_\_\_\_ /

NO. C 08-04555 JW  
NO. C 08-05543 JW  
NO. C 08-05544 JW  
NO. C 08-05624 SI  
NO. C 08-05742 MHP

Broadcom Corp., et al.,  
\_\_\_\_\_ /

Marvell Semiconductor, Inc., et al.,  
\_\_\_\_\_ /

**ORDER RELATING CASES; STAYING  
CASE DEADLINES; SETTING CASE  
MANAGEMENT CONFERENCE;  
DENYING MOTION TO EXTEND TIME**

Acer America Corp., et al.,  
\_\_\_\_\_ /

Sony Computer Entertainment America,  
Inc., et al.,

Plaintiffs,

v.

Wi-LAN, Inc., et al.,

Defendants.  
\_\_\_\_\_ /

**A. Motions to Relate Cases**

Presently before the Court are two administrative motions to relate this action, Intel Corp. v. Wi-LAN, Inc., No. C 08-04555 JW to two later-filed cases in this District, Sony Computer Entertainment America, Inc. v. Wi-LAN, Inc., No. C 08-05742 MHP, and Acer America Corp v. Wi-LAN, Inc., No. C 08-05624 SI. (Docket Item Nos. 41, 43.) On January 16, 2009, the Court related this action to two additional later-filed cases, Broadcom Corp. v. Wi-LAN, Inc., No. C 08-05543 JW, and Marvell Semiconductor, Inc. v. Wi-LAN, Inc., No. C 08-05544 JW. (See Docket

1 Item No. 38.) Defendants have filed a statement of non-opposition to Plaintiffs' motions to relate.  
2 (Docket Item No. 49.)

3 Civil Local Rule 3-12(a) provides that an action is related to another when:

- 4 (1) The actions concern substantially the same parties, property, transaction or event; and
- 5 (2) It appears that there will be an unduly burdensome duplication of labor and expense  
6 or conflicting results if the cases are conducted before different judges.

7 Upon review, the Court finds that Plaintiffs have made a sufficient showing to establish that  
8 each of the later-filed cases are substantially related to the Intel action under Local Rule 3-12(a).  
9 Since Intel is the first-filed action, the cases are properly related to the Intel action. Accordingly, the  
10 Court GRANTS Plaintiffs' motions to relate.

11 **B. Case Scheduling**

12 The Court has now related the Intel action to four other declaratory judgment actions  
13 pending in this District. The Court has also been informed that the patent at issue in the five cases in  
14 this District, U.S. Patent No. 6,549,749 ("749 patent"), is being asserted by Defendants against  
15 Plaintiffs in an infringement action in the Eastern District of Texas, known as Wi-LAN, Inc. v. Acer,  
16 No. 2:07-CV-473 (TJW) (E.D. Tex.). Relatedly, Defendants in the Broadcom action have moved to  
17 either dismiss or transfer the case to the Eastern District of Texas.

18 In light of the growing complexity of these related actions, the Court orders as follows:

- 19 (1) All parties shall appear for the Case Management Conference currently set for  
20 **March 16, 2009 at 10 a.m.** At the Conference, the Court intends to address case  
21 consolidation and a global approach for managing Defendants' motions to dismiss  
22 these actions or to transfer them to the Eastern District of Texas. With these issues in  
23 mind, on or before **March 6, 2009**, the parties to all five cases shall collectively file a  
24 Joint Case Management Statement.
- 25 (2) All deadlines in the five related Wi-LAN actions are STAYED.
- 26 (3) Defendant Intel's Motion to Dismiss for lack of jurisdiction (Docket Item No. 31)  
27 presently set for March 30, 2009 is taken off calendar until such time as the Court  
28

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

determines the case structure following the **March 16, 2009** Case Management Conference.

- (4) Defendants' Motion to Extend Time in the Broadcom action (Docket Item No. 11 in Case No. C 08-05543 JW) is DENIED as moot.

Dated: February 20, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

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

- 2 A. James Isbester jamie@itpatentcounsel.com
- Adam R. Alper aalper@kirkland.com
- 3 Christian Chadd Taylor ctaylor@kirkland.com
- Gayle Esther Rosenstein gayle.rosenstein@weil.com
- 4 George C. Best gbest@foley.com
- Gregory S. Arovas garovas@kirkland.com
- 5 John M. Desmarais jdesmarais@kirkland.com
- Megan M Chung mmchung@townsend.com
- 6 Michael C. Spillner mspillner@orrick.com
- Michael Woodrow De Vries [mike.devries@lw.com](mailto:mike.devries@lw.com)

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Dated: February 20, 2009**

**Richard W. Wieking, Clerk**

**By:           /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**