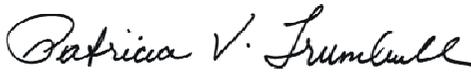


1 that the '388 patent is an invalidating reference to at least some of the claims to Apple's '208 patent
2 and the (Synaptics) '052 patent is relevant prior art to the '659 patent. Mot. at 3. Moreover, entry of
3 a protective order in February 2010 (after Elan had already served its preliminary contentions)
4 allowed it to later produce confidential discovery related to Cirque's GlidePoint product. *Id.*
5 Finally, third-party discovery from 3M, Inc. has provided Elan with additional relevant prior art
6 references. Mot. at 4.

7 Plaintiff Elan shall file its amended invalidity contentions no later than November 5, 2010.

8 IT IS SO ORDERED.

9 Dated: October 27, 2010

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11 PATRICIA V. TRUMBULL
12 United States Magistrate Judge
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