

1 **\*\* E-filed July 15, 2011 \*\***

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8 NOT FOR CITATION

9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION

12 PIXART IMAGING, INC.,

No. C10-00544 JW (HRL)

13 Plaintiffs,

**ORDER RE: DISCOVERY DISPUTE  
JOINT REPORT # 1**

14 v.

**[Re: Docket Nos. 49, 50]**

15 AVAGO TECHNOLOGIES GENERAL IP  
(SINGAPORE) PTE. LTD, et al.,

16 Defendants.

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17 On July 13 and 14, 2011, the parties in the above-caption patent infringement action filed in  
18 two parts a Discovery Dispute Joint Report # 1 (“Joint Report”).<sup>1</sup> Docket Nos. 49, 50. Plaintiff  
19 PixArt Imaging, Inc. (“PixArt”) contends that defendants Avago Technologies General IP  
20 (Singapore) Pte. Ltd, Avago Technologies ECBU IP (Singapore) Pte. Ltd., and Avago Technologies  
21 U.S., Inc. (collectively, “Avago”) filed the Joint Report in violation of this Court’s Standing Order  
22 re: Civil Discovery Disputes (“Standing Order”).

23 The Standing Order requires parties, before filing a discovery dispute joint report, to meet-  
24 and-confer about the disputed discovery issue using “the customary convenient means of  
25 communication - telephone, e-mail, correspondence, person to person talks between members of  
26 opposing litigation teams - to try to reach agreement.” Standing Order ¶ 2(b). “If that fails to lead to  
27 complete agreement, then LEAD COUNSEL (and any unrepresented person), accompanied by

28 <sup>1</sup> Previously, this Court granted the parties’ request that the deadline for filing any discovery dispute joint report be extended two weeks from June 29, 2011 to July 13, 2011. Docket No. 48.

1 anyone else whose presence is needed to fully explore resolution, shall meet IN PERSON for as  
2 long as and as often as is needed to reach full agreement.” Id. ¶ 2(c) (emphasis in original).

3 Here, it appears that Avago’s lead counsel never met-and-conferred in person about the  
4 disputed issue. Avago writes that it “believes that it has complied with Judge Lloyd’s Standing  
5 Order because Mr. Greenfeld, who has been leading the advancement of this case for Avago since  
6 he started at Mayer Brown in October 2010, met in person with [PixArt’s lead counsel,] Mr.  
7 [Michael] Page of Durie Tangri.” Docket No. 49 at 4. The problem is that Mr. Greenfeld is not  
8 Avago’s lead counsel; Mr. Duane D. Hough is. And, it appears that Mr. Hough and Mr. Page never  
9 discussed this particular discovery dispute in person, as this Court’s Standing Order requires. See  
10 Docket No. 50 at 2, 9.

11 Since Avago did not comply with the Standing Order, the Court DENIES its requested relief.

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13 **IT IS SO ORDERED.**

14 Dated: July 15, 2011

  
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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

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