

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AVAGO TECHNOLOGIES, INC., et al.,)	Case No.: 5:10-cv-02863-EJD
)	
Plaintiffs,)	OMNIBUS ORDER RE:
v.)	DISCOVERY MOTIONS
)	
IPTRONICS INC., et al.,)	(Re: Docket Nos. 641, 642, 644, 645,
)	646, 649, 674, 677)
Defendants.)	
)	

Yesterday, the court heard arguments on eight discovery motions.¹ The motions concern depositions and document production that Plaintiffs Avago Technologies, Inc. et al. want and which Defendants IPtronics, Inc., et al. and Mellanox Technologies Inc., et al., as well as third parties, don't.

For months, Defendants have told Avago and this court that it had six depositions to go: "the Avago Entities have already exhausted 14 of their allotted 20 fact depositions."² A few weeks

¹ See Docket No. 697.

² See Docket No. 525 at 7.

1 ago, Defendants changed their tune, arguing Avago has exceeded its allotment by six. The court
2 must hold Defendants to their previous representations.³ Avago therefore may take six more
3 depositions of its choosing. But there are some ground rules. First, Avago may not take
4 depositions of third parties it has already deposed in this case or in the ITC investigation. Avago
5 may only take depositions of third parties it has not previously deposed, including Finisar
6 Corporation. While duplication may be inevitable, parties can bear that burden; third parties
7 should not. Second, Avago shall pay for any fees and costs associated with document production
8 and depositions. This should mitigate any burden Defendants and third parties face. Third, any
9 deposition of Defendants shall take place by August 21, 2015. Any deposition of any third party
10 shall take place by September 21, 2015.

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12 Finally, because Avago's motion to modify the protective order will not unreasonably
13 prejudice Defendants, it is GRANTED.

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15 In sum, Avago's motions to compel the production of Defendants' 30(b)(6)s are
16 GRANTED.⁴ Avago's motion to modify the protective order is GRANTED.⁵ Defendants'
17 motions for entry of protective orders and fees are DENIED.⁶ Avago's motion to compel the
18 production of documents and things from Finisar is GRANTED.⁷ Avago's motion for leave to take
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24 ³ See *Russell v. Rolfs*, 893 F.2d 1033, 1037 (9th Cir. 1990); *Rockwell Int'l Corp. v. Hanford Atomic
Metal Trades Council*, 851 F.2d 1208, 1210 (9th Cir. 1988).

25 ⁴ See Docket Nos. 641, 642.

26 ⁵ See Docket No. 644.

27 ⁶ See Docket Nos. 645, 646.


28 ⁷ See Docket No. 649.

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additional depositions is GRANTED-IN-PART.⁸ Finisar's motion for protective order and to
quash Avago's 30(b)(6) deposition is DENIED.⁹

SO ORDERED.

Dated: August 6, 2015



PAUL S. GREWAL
United States Magistrate Judge

⁸ See Docket No. 674.

⁹ See Docket No. 677.