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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 AVAGO TECHNOLOGIES FIBER IP
8 (SINGAPORE) PTE. LTD., et al.,

9 Plaintiffs,

10 v.

11 IPTRONICS INC., et al.,

12 Defendants.

Case No. [5:10-cv-02863-EJD](#)

**ORDER DENYING MOTION TO
STRIKE**

(Re: Docket No. 815)

13 Plaintiffs Avago Technologies, Inc. et al. move to strike portions of Mr. Michael J.
14 Lasinski's expert report.¹ Lasinski is an expert for Defendants IPtronics, Inc. et al.² Avago's
15 motion is DENIED as untimely.

16 Last February, the presiding judge set a November 24, 2015 deadline for filing expert
17 discovery motions.³ This was Avago's requested deadline; IPtronics sought an earlier deadline.⁴
18 As discovery proceeded, the parties stipulated to extensions of various expert discovery
19 deadlines.⁵ However, none of the stipulations addressed the deadline for filing expert discovery
20 motions, which thus remained November 24, 2015.

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22 ¹ See Docket No. 815.

23 ² See *id.* at 1.

24 ³ See Docket No. 522 at 7.

25 ⁴ See *id.* at 2.

26 ⁵ See Docket No. 762 (extending deadline for expert disclosures on damages); Docket No. 774
27 (extending deadlines for expert discovery on damages and Defendants' rebuttal expert disclosures
28 on damages); Docket No. 777 (extending close of expert discovery on all issues) .

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Avago filed its motion to strike on December 14, 2015, and so the motion is untimely under the presiding judge’s scheduling order. Avago argues that its motion is timely under Civ. L.R. 37-3.⁶ Civ. L.R. 37-3 governs motions to compel, however, and does not apply to this motion to strike. Because Avago’s motion is untimely under the scheduling order issued by the presiding judge, the undersigned may not consider this motion. Any request for relief from the scheduling order must be directed to the presiding judge.

SO ORDERED.

Dated: January 19, 2016



PAUL S. GREWAL
United States Magistrate Judge

⁶ See Docket No. 815 at 4.