

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

BROCADE COMMUNICATIONS SYSTEMS,)
INC., a Delaware corporation, and FOUNDRY)
NETWORKS, LLC, a Delaware limited liability)
company,)

Plaintiffs,)

v.)

A10 NETWORKS, INC., a California)
corporation, LEE CHEN, an individual,)
RAJKUMAR JALAN, an individual, RON)
SZETO, an individual, LIANG HAN, an)
individual, STEVEN HWANG, an individual,)
and DAVID CHEUNG, an individual,)

Defendants.)

Case No.: 10-CV-03428-LHK

ORDER SUMMARIZING ORDERS
ISSUED FROM BENCH

The Court held a hearing on Friday, August 12, 2011 at 10:30 a.m. on various pending motions. The Court issued rulings from the bench as follows:

1. A10's Motion to Stay Proceedings Pending Reexaminations (Dkt. No. 102) is DENIED, for the reasons stated on the record.
2. A10's Motion to Compel Further Inspection of the AX 5200 Device (Dkt. No. 105) is DENIED as moot.
3. A10's Motion to Qualify Expert Kevin Jeffay Under the Protective Order (Dkt. No. 108) is DENIED, for the reasons stated on the record.

- 1 4. Brocade's Motion for Contempt, Expedited Discovery, and Appointment of a Special
- 2 Master (Dkt. No. 138) is GRANTED-IN-PART and DENIED-IN-PART, for the reasons
- 3 stated on the record.
- 4 5. Brocade's Motion to Order A10 to File Confidential Brocade Information Under Seal (Dkt.
- 5 No. 157) is GRANTED, for the reasons stated on the record.
- 6 6. Brocade's Application for a Temporary Restraining Order (Dkt. No. 124) was taken under
- 7 submission.

8 The Court ordered that A10 shall immediately correct its public filing of Brocade's
9 confidential information and lodge an appropriately redacted version of its filings for sealing.

10 In addition, the Court issued an Order to Show Cause why A10 should not be sanctioned in
11 the amount of Brocade's cost and fees associated with meeting and conferring about and briefing
12 Docket Numbers 138 and 157, and by an order requiring A10 to publicly file all names of its
13 source code routines for its most current commercially-released product. These sanctions are to
14 be imposed for A10's failure to produce source code in violation of the Court's previous orders,
15 and for failure to obey the Protective Order and the Civil Local Rules in filing Brocade's
16 designated confidential information under seal. The Court set the following schedule:

17 By August 15, 2011, Brocade shall submit its costs and fees associated with the above-
18 referenced motions.

19 By August 24, 2011, A10 shall submit its opposition, not to exceed 25 pages.

20 Hearing on the Order to Show Cause shall be held on August 30, 2011 at 11 a.m.

21 **IT IS SO ORDERED.**

22 Dated: August 12, 2011

23 
24 LUCY H. KOH
25 United States District Judge
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