

United States District Court  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

SECOND ORDER STRIKING  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT ON  
INFRINGEMENT

Plaintiffs Brocade Communications Systems, Inc., and Foundry Networks LLC

("Brocade") lodged with the Court a motion for summary judgment on infringement on November 8, 2011, in violation of two Court Orders. On October 18, 2011, the Court struck Brocade's first motion for summary judgment on infringement, which was 72 pages long, and ordered Brocade to file *one* motion for summary judgment on infringement not to exceed 25 pages. ECF No. 252. Moreover, the case management schedule required motions for summary judgment on infringement to be filed by October 11, 2011. ECF No. 101.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The Court strikes Brocade's motion for summary judgment on infringement because Brocade has failed to comply with two of this Court's Orders.<sup>1</sup> The parties are now on notice that failure to comply with this Court Order, or the October 18, 2011 Order may result in sanctions for the offending party.

**IT IS SO ORDERED.**

Dated: November 14, 2011

  
\_\_\_\_\_  
LUCY H. KOH  
United States District Judge

---

<sup>1</sup> A10's motion seeking leave to enlarge time to reply to the motion for summary judgment, and Brocade's motion to file under seal are therefore denied as moot. *See* ECF Nos. 300 & 314.