

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

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|---|---------------------------|
| BROCADE COMMUNICATIONS SYSTEMS,) | Case No.: 10-CV-03428-LHK |
| INC., a Delaware corporation, and FOUNDRY) | |
| NETWORKS, LLC, a Delaware limited liability) | |
| company,) | |
|) | |
| Plaintiffs,) | |
| v.) | CASE MANAGEMENT ORDER |
|) | |
| 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.) | |
|) | |

Based on the Joint Case Management Statement filed by the parties on February 11, 2011, the Court sets the following schedule:

CASE MANAGEMENT CONFERENCE ("CMC") is set for April 28, 2011 at 1:30 p.m. The Court strongly encourages the parties to resolve their dispute regarding the A10 AX 5200 device in advance of the CMC. If the parties are unable to do so, the Court will address this issue at the CMC.

DISCOVERY: The Court rejects the phasing of discovery as proposed by Defendants. However, discovery unique to Plaintiffs' claims of trade secret misappropriation cannot commence until Plaintiff identifies its trade secrets with reasonable particularity as required by Cal. Code Civ. Proc. § 2019.210. All other discovery shall commence now, including discovery of source code relevant to the copyright and patent infringement claims.

INITIAL DISCLOSURES: In the JCMS, the parties stated that initial disclosures would be exchanged on February 28, 2011. If this did not occur, the parties shall exchange initial disclosures by no later than April 7, 2011.

DISCOVERY LIMITS:

Deposition hours: 200, excluding experts

Interrogatories: 75 per party

Production of documents shall be in TIFF file format. A party may request that specific documents be produced in native format. Such requests shall not be unreasonably made or unreasonably denied.

CLAIM CONSTRUCTION: The Court will construe a maximum of ten claim terms.

PROTECTIVE ORDER: The District's Model Stipulated Protective Order for Litigation Involving Patents, Highly Sensitive Confidential Information and/or Trade Secrets shall be the operative Protective Order in this matter unless and until Judge Grewal enters another stipulated Protective Order. The parties shall submit any such stipulated Protective Order for Court approval by April 22, 2011.

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Case No.: 10-CV-03428-LHK
MINUTE ORDER AND CASE MANAGEMENT ORDER

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| EVENT | Date |
|---|---------------------------------|
| Disclosure of Asserted Claims/Infringement Contentions | April 7, 2011 |
| Invalidity Contentions | May 23, 2011 |
| Exchange of Proposed Terms and Claim Elements | June 6, 2011 |
| Deadline to Amend Pleadings | 90 days after Defendants Answer |
| Parties Meet and Confer re: list of terms and claim elements | June 13, 2011 |
| Simultaneous Exchange of Preliminary Claim Constructions and Preliminary Identification of Extrinsic Evidence | June 27, 2011 |
| Parties Meet and Confer re: Prelim Claim Constructions and Extrinsic Evidence | June 30, 2011 |
| Simultaneous Exchange of Responsive Claim Constructions | July 7, 2011 |
| Filing of Jt. Claim Construction and Pre-Hearing Statement | July 22, 2011 |
| Completion of Claim Construction Discovery | Aug. 22, 2011 |
| Opening Claim Construction Brief* | Sept. 8, 2011 |
| Responsive Claim Construction Brief | Sept. 22, 2011 |
| Reply Claim Construction Brief | September 29, 2011 |
| 2 Hour Tutorial (1 hour for each party) | Oct. 21, 2011 (Fri. at 2 p.m.) |
| 3 Hour Claim Construction Hearing (1.5 hour for each party) | Oct. 28, 2011 (Fri. at 2 p.m.) |
| Further Case Management Conference | Nov. 30, 2011 at 2 p.m. |

IT IS SO ORDERED.

Dated: March 24, 2011



LUCY H. KOH
United States District Judge