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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

U.S. Ethernet Innovations, LLC,
Plaintiff,

NO. C 10-03724 JW
NO. C 10-05254 JW
NO. C 10-03481 JW

v.

**ORDER RE. NOTICE REGARDING
ALTERNATIVE DISPUTE
RESOLUTION PROGRAM**

Acer, Inc., et al,

_____ /

AT&T, Inc., et al.,

Defendants.

_____ /

Zions Bancorporation, et al.,

Plaintiffs,

v.

U.S. Ethernet Innovations, LLC,

Defendant.

_____ /

On December 12, 2011, Plaintiff in the above-captioned cases filed a Notice Regarding Alternative Dispute Resolution Program.¹ In its Notice, Plaintiff contends that it is “unclear”


¹ (Notice Regarding Alternative Dispute Resolution (ADR) Multi-Option Program, hereafter, “Notice,” Docket Item No. 95 in No. C 10-3481 JW.)

1 whether these actions remain assigned to the Court’s Alternative Dispute Resolution (“ADR”) program. (*Id.* at 2.) Further, Plaintiff contends that it has been “unable to reach an agreement” with Defendants on “any form of ADR process,” and “requests clarification” regarding the status of these actions with regard to ADR. (*Id.* at 2-3.) Defendants respond that there is “no current requirement for the parties to participate in ADR in these cases,” and that the Court “should not require the multitude of defendants . . . to submit to ADR until after the Court determines the appropriate structure” for the cases.²

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8 Upon review, the Court finds that requiring the parties to engage in the ADR process would be premature at this time. In its May 11, 2011 Order, the Court explained that it had “repeatedly emphasized that it intends to initially limit this action to claim construction proceedings that will be binding on all parties in order to assist the Court in identifying which parties are the proper defendants.”³ Thus, it would be premature to require Defendants to engage in the ADR process, insofar as this action is still at the stage of claim construction proceedings.

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13 Accordingly, the Court finds that this action is not subject to the ADR process at this time and removes any pending referral to the ADR program.

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17 Dated: January 20, 2012



JAMES WARE
United States District Chief Judge

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25 ² (Response to Plaintiff’s Notice Regarding Alternative Dispute Resolution (ADR) Multi-Option Program at 1, Docket Item No. 96 in No. C 10-3481 JW.)

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27 ³ (Order Denying Plaintiff’s Motion for Clarification of the Patent Scheduling Order at 2, Docket Item No. 55 in No. C 10-3481 JW.)

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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Dated: January 20, 2012

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Susan Imbriani
Courtroom Deputy