

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TESSERA, INC.,
Plaintiff,

v.

UTAC (TAIWAN) CORPORATION,
Defendant.

Case No. [5:10-cv-04435 EJD](#)

**AMENDED CASE MANAGEMENT
ORDER**

On November 21, 2014, the parties appeared before Judge Edward J. Davila for an Interim Case Management Conference. Based on the parties' Joint Case Management Statement and the discussions held at the conference,

IT IS HEREBY ORDERED that Defendant's request to file a limited-issue Motion for Partial Summary Judgment is GRANTED. Defendant may file Motion for Partial Summary Judgment not exceeding 15 pages which addresses (1) whether the contract can be interpreted so as to require royalty payments based on a patent issued in a country where UTAC has never made or sold a product, and (2) assuming it does, whether and on what legal basis this court can construe a foreign patents' claim terms. Plaintiff may file an opposition to the Motion for Partial Summary Judgment not exceeding 15 pages. Defendant may then file a reply not exceeding 10 pages. The motion will be deemed submitted for decision without oral argument upon conclusion of the briefing.

Briefing for the Motion for Partial Summary Judgment shall occur according to the following schedule:

EVENT	DEADLINE
Deadline for Defendant to file the Motion for Partial Summary Judgment	December 1, 2014
Deadline for Plaintiff to file the Opposition	December 15, 2014
Deadline for Defendant to file the Reply	December 22, 2014

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IT IS FURTHER ORDERED the current deadlines for claim construction briefing and hearing scheduled for January 15, 2015, are VACATED in order to accommodate the Motion for Partial Summary Judgment. Those deadlines shall be reset according to the following schedule:

EVENT	DEADLINE
Opening Claim Construction Brief	January 13, 2015
Responsive Claim Construction Brief	January 27, 2015
Reply Claim Construction Brief	February 3, 2015
Case Tutorial and Claim Construction Hearing	9:00 a.m. on February 18, 2015

IT IS FURTHER ORDERED that, on or before February 10, 2015, the parties shall deliver to Elizabeth Garcia, the undersigned's courtroom deputy, three copies of any slides or other materials the parties intend to display during the claim construction hearing.

IT IS FURTHER ORDERED that Defendant's Motion Concerning Claim Construction Proceedings (Docket Item No. 195) is GRANTED IN PART and DENIED IN PART. Defendant's request for leave to construe one more claim term, for a total of 11 claim terms, is GRANTED. However, Defendant's requests to modify claim construction briefing and for additional time at the claim construction hearing is DENIED.

IT IS FURTHER ORDERED that all other deadlines shall remain as scheduled to the extent they are not modified herein.

IT IS SO ORDERED.

Dated: November 21, 2014


EDWARD J. DAVILA
United States District Judge