

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

LANTIQ DEUTSCHLAND GMBH,	)	Case No.: 5:11-CV-00234 EJD
	)	
Plaintiff,	)	<b>ORDER CLARIFYING JULY 17, 2012</b>
	)	<b>ORDER AND GRANTING LEAVE TO</b>
v.	)	<b>FILE A MOTION FOR</b>
	)	<b>RECONSIDERATION</b>
RALINK TECHNOLOGY CORPORATION,	)	
ET AL.,	)	<b>(Re: Docket No. 236)</b>
Defendants.	)	

On July 6, 2012, Defendant MediaTek, Inc., Defendant MediaTek USA, Inc., and Defendant MediaTek Wireless, Inc. (collectively “MediaTek”) filed a motion requesting that the court suspend “the dates currently set in its Case Management Order (Dkt. No. 71), and all applicable dates under the Patent Local Rules, with respect to the ‘799 and ‘904 patents, pending resolution of the MediaTek’s motion to dismiss Lantiq’s complaint with respect to those patents.” Docket No. 230 at 3:21-24. MediaTek did not notice a hearing for the motion pursuant to Civil L.R. 7-2.

The court regarded MediaTek’s unnoticed motion as an administrative motion pursuant to Civil L.R. 7-11. In light of MediaTek’s representation that the other parties did not oppose the motion to amend the scheduling order and the fact that no opposition was filed within the time permitted by Rule 7-11, the court granted MediaTek’s motion. On July 17, 2012, the court issued the order proposed by MediaTek that “MediaTek’s Motion for Relief from the Current Case Management Schedule and for Expedited Consideration is GRANTED. All upcoming discovery and

1 pretrial dates set forth in the case management schedule and all claim construction dates set forth in the  
2 Local Patent Rules are hereby suspended until resolution of MediaTek’s Motion to Dismiss Lantiq’s  
3 Second Amended Complaint.” Order Regarding MediaTek Defs.’ Mot Relief Current Case Mgmt.  
4 Sched, Docket No. 236 (“July 17 Order”).

5 On July 20, 2012, Defendant Ralink Technology Corporation (“Ralink”) submitted a  
6 response to the court’s order arguing that the suspension of the case schedule should apply only to  
7 Lantiq’s claims on the ‘799 and ‘904 patents and not to Ralink’s claims on the ‘116 patent.

8 On July 27, 2012, Plaintiff Lantiq Deutschland GMBH (“Lantiq”) filed a rebuttal to that  
9 response arguing that Ralink’s response was an improperly-filed motion for reconsideration of the  
10 court’s order granting MediaTek’s motion.

11 In light of the confusion caused by the lack of specificity in the court’s order granting  
12 MediaTek’s motion for relief from the case management schedule, the court finds it appropriate to  
13 clarify its prior order. The court intended to grant only the relief sought by MediaTek — that the  
14 court suspend the dates “set in its Case Management Order (Dkt. No. 71), and all applicable dates  
15 under the Patent Local Rules, with respect to the ‘799 and ‘904 patents, pending resolution of the  
16 MediaTek’s motion to dismiss Lantiq’s complaint with respect to those patents.” Docket No. 230 at  
17 3:21-24. The court did not intend to suspend deadlines pertaining to the ‘116 patent.

18 The court, however, improperly treated MediaTek’s motion to amend the scheduling order  
19 as an administrative motion pursuant to Rule 7-11 rather than a motion pursuant to Rule 7-2. Thus,  
20 the court did not provide the full opportunity for any opposition to the motion to be filed. See Civil  
21 L.R. 7-3. It, however, is not clear to the court whether either Ralink or Lantiq would have opposed  
22 MediaTek’s motion to suspend the deadlines pertaining to the ‘799 and ‘904 patents. Because the  
23 court erred in applying the in correct Local Rule and thus failed to provide the parties an  
24 opportunity to oppose MediaTek’s motion, the court grants Ralink and Lantiq leave to file a motion  
25 for reconsideration of the July 17 Order as clarified in this order. Accordingly,

26 IT IS HEREBY ORDERED that all upcoming discovery and pretrial dates set forth in the case  
27 management schedule and all claim construction dates set forth in the Local Patent Rules pertaining the  
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