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14 Attorneys for Plaintiff  
 MEDIOSTREAM, INC.

15 **UNITED STATES DISTRICT COURT**  
 16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 MEDIOSTREAM, INC.,  
 19 Plaintiff,  
 20 v.  
 21  
 22 MICROSOFT CORP. et. al.,  
 23 Defendants.

Case No. 5:11-cv-02525 HRL  
 PLAINTIFF MEDIOSTREAM, INC.'S,  
 ADMINISTRATIVE MOTION TO  
 CONSIDER WHETHER CASES  
 SHOULD BE RELATED (L.R. 3-12)

1 Pursuant to Civil Local Rule 3-12, Plaintiff MedioStream, Inc. by and through its undersigned  
2 counsel, hereby submits this Administrative Motion to Consider Whether Cases Should be Related to  
3 consider whether this case should be transferred to the same judge handling the case of *MedioStream*  
4 *Inc. v. Acer, Inc.*, No. 3:10-cv-05762-RS (N.D. Cal.) and *Sony Electronics, Inc. v. MedioStream, Inc.*,  
5 No. 3:10-cv-05410-RS (N.D. Cal.). The two asserted patents in this case are related to MedioStream’s  
6 recently issued U.S. Pat. No. 7,843,508 (the ’508 patent) that is the subject of both cases referenced  
7 above pending before the Honorable Judge Richard Seeborg.

8 Under the definition of related cases provided in Civil L.R. 3-12(a), both cases are related to  
9 this action. Both cases involve the same intellectual property, namely all of the patents at issue  
10 resulted from the same original application and all have the same specification as the patents at issue  
11 in this case. See Civil L.R. 3-12(a)(1) (“The actions concern substantially the same parties, property,  
12 transaction or event.”). MedioStream, Inc., the patentee in this case is also the patentee in both of the  
13 other two actions. MedioStream has also named most of the same defendants in the two other cases.  
14 In addition, “[i]t appears likely that there will be an unduly burdensome duplication of labor . . . or  
15 conflicting results if the cases are conducted before different Judges.” Civil L.R. 3-12(a)(2). Both  
16 cases require an understanding of the same subject matter and technology and will likely involve  
17 many of the same witnesses to be deposed and appear for trial. It would thus be an inefficient use of  
18 judicial resources to litigate these cases separately. Many of the same facts will be presented in both  
19 cases. This raises concerns with the possibility of conflicting results, as two Judges or juries would be  
20 required to decide the issues of validity and enforceability of the same patent.

21 For the foregoing reasons, and pursuant to Civil L.R. 3-12, MedioStream respectfully requests  
22 that the Court consider whether the instant case should be related to the cases of *MedioStream Inc. v.*  
23 *Acer, Inc.*, No. 3:10-cv-05762-RS (N.D. Cal.) and *Sony Electronics, Inc. v. MedioStream, Inc.*, No.  
24 3:10-cv-05410-RS (N.D. Cal.).

25 Dated: June 23, 2011

Respectfully submitted,

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