

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

RADWARE, LTD.; RADWARE, INC.,  
Plaintiffs, Counterclaim-Defendants,  
v.  
A10 NETWORKS, INC.,  
Defendant, Counterclaim-Plaintiff.

Case Nos. C-13-02021, C-13-02024 RMW  
(related)

**ORDER GRANTING MOTION TO  
AMEND INVALIDITY CONTENTIONS**  
**[Re: Dkt. No. 140]**

RADWARE, LTD.; RADWARE, INC.,  
Plaintiffs, Counterclaim-Defendants,  
v.  
F5 NETWORKS, INC.,  
Defendant, Counterclaim-Plaintiff.

Defendants A10 Networks, Inc. (“A10”) and F5 Networks, Inc. (“F5”) (collectively “defendants”) move to amend their invalidity contentions based on the court’s claim construction order. Defendants’ amendments add a new invalidity argument based on 35 U.S.C. § 112 and add nine supplemental charts based on previously disclosed art. Defendants are correct that the court adopted its own construction, rather than the construction proposed by either party, for several terms

1 of the patents in suit. Dkt. No. 152 at 4-5. Although the court does not agree with some of  
2 defendants' characterizations of the court's constructions (e.g. that the construction of "table"  
3 "removed the 'table' limitation entirely," *id* at 6), it is true that defendants may not have anticipated  
4 the court's own construction of certain terms. Thus, defendants have good cause to amend their  
5 invalidity contentions. Defendants were also diligent in amending, as evidenced by their service of  
6 amended contentions by the parties' agreed deadline. Finally, Radware has not shown any prejudice  
7 from the amendments. Accordingly, the motion for leave to amend infringement contentions is  
8 GRANTED.

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11 Dated: July 28, 2014



RONALD M. WHYTE  
United States District Judge