

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WEIL GOTSHAL & MANGES LLP
Christopher J. Cox (151650)
chris.cox@weil.com
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: (650) 802-3029
Facsimile: (650) 802-3100

David C. Radulescu, Ph.D. (pro hac vice)
david@radulescullp.com
Tigran Vardanian (pro hac vice)
tigran@radulescullp.com
Robin M. Davis (pro hac vice)
robin@radulescullp.com
Daniel Kesack (pro hac vice)
daniel@radulescullp.com
The Empire State Building
350 Fifth Avenue, Suite 6910
New York, NY 10118
Telephone: (646) 502-5950
Facsimile: (646) 502-5959
Attorneys for Plaintiff Finisar Corporation

[Additional Counsel Listed On Next Page]

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

FINISAR CORPORATION,
a Delaware corporation,

Plaintiff,

vs.

NISTICA, INC.,
a Delaware corporation,

Defendant.

Case No. 5:13-cv-03345-BLF (JSC)

ORDER re:

**NOTICE RE FINISAR'S MOTION TO
STRIKE NISTICA'S INVALIDITY
CONTENTIONS AND PARTIES'
PROPOSED BRIEFING SCHEDULE
FOR LEAVE TO FILE AMENDED
INFRINGEMENT CONTENTIONS
AND AMENDED INVALIDITY
CONTENTIONS**

1 ROBERT F. KRAMER (Bar No. 181706)
Email: robert.kramer@dentons.com
2 JENNIFER D. BENNETT (Bar. No. 235196)
Email: jbenett@dentons.com
3 RUSSELL S. TONKOVICH (Bar No. 233280)
Email: russell.tonkovich@dentons.com
4 C. GIDEON KORRELL (Bar No. 284890)
Email: gideon.korrell@dentons.com
5 DENTONS US LLP
1530 Page Mill Road, Suite 200
6 Palo Alto, CA 94304-1125
Telephone: (650) 798-0300
7 Facsimile: (650) 798-0310

8 SHAILENDRA MAHESHWARI (Pro Hac Vice)
Email: shailendra.maheshwari@dentons.com
9 DENTONS US LLP
1301 K Street, NW
10 Suite 600, East Tower
Washington, D.C. 20005-3364
11 Telephone: (202) 408-6400
Facsimile: (202) 408-6399

12 JOEL N. BOCK (Pro Hac Vice)
13 Email: joel.bock@dentons.com
DENTONS US LLP
14 1221 Avenue of the Americas
New York, NY 10020-1089
15 Telephone: (212) 768 6700
Facsimile: (212) 768 6800

16 Attorneys for Defendant
17 NISTICA, INC.

18
19 1. Finisar filed a motion to strike Nistica's amended invalidity contentions (Dkt. No.
20 155) on February 5, 2015 and the Court held a hearing on March 26, 2015.

21 2. The parties met and conferred regarding whether good cause exists pursuant to
22 Patent Local Rule ("PLR") 3-6 for the parties' amendments made to, and the contents of, Finisar's
23 amended infringement contentions served December 19, 2014 and for the amendments made to,
24 and the contents of, Nistica's amended invalidity contentions served January 19, 2015. The parties
25 were unable to resolve these disputes.

26 3. The parties propose that Opening Briefs and supporting papers on motions for
27 leave to file amended infringement and invalidity contentions will be filed simultaneously on
28 April 9, 2015. Opposition briefs to be filed on April 16, 2015. Reply briefs to be filed on April

1 20, 2015. A hearing on the parties' motions are proposed to be held on April 23, 2015, or at the
2 Court's convenience.

3
4 Dated: March 30, 2015

Respectfully Submitted,

5 /s/ David C. Radulescu

6 WEIL GOTSHAL & MANGES LLP
7 Christopher J. Cox (151650)
8 chris.cox@weil.com
9 201 Redwood Shores Parkway
10 Redwood Shores, CA 94065
11 Telephone: (650) 802-3029
12 Facsimile: (650) 802-3100

13 David C. Radulescu, Ph.D. (pro hac vice)
14 david@radulescullp.com
15 Tigran Vardanian (pro hac vice)
16 tigran@radulescullp.com
17 Robin M. Davis (pro hac vice)
18 robin@radulescullp.com
19 Daniel Kesack
20 daniel@radulescullp.com
21 The Empire State Building
22 350 Fifth Avenue, Suite 6910
23 New York, NY 10016
24 Telephone: (646) 502-5950
25 Facsimile: (646) 502-5959

Attorneys for Plaintiff Finisar Corporation

26 Dated: March 30, 2015

/s/ Robert F. Kramer

27 ROBERT F. KRAMER (Bar No. 181706)
28 Email: robert.kramer@dentons.com
JENNIFER D. BENNETT (Bar. No. 235196)
Email: jbenett@dentons.com
RUSSELL S. TONKOVICH (Bar No. 233280)
Email: russell.tonkovich@dentons.com
C. GIDEON KORRELL (Bar No. 284890)
Email: gideon.korrell@dentons.com
DENTONS US LLP
1530 Page Mill Road, Suite 200
Palo Alto, CA 94304-1125
Telephone: (650) 798-0300
Facsimile: (650) 798-0310

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SHAILENDRA MAHESHWARI (pro hac vice)
Email: shailendra.maheshwari@dentons.com
DENTONS US LLP
1301 K Street, NW
Suite 600, East Tower
Washington, D.C. 20005-3364
Telephone: (202) 408-6400
Facsimile: (202) 408-6399

JOEL N. BOCK (pro hac vice)
Email: joel.bock@dentons.com
DENTONS US LLP
1221 Avenue of the Americas
New York, NY 10020-1089
Telephone: (212) 768 6700
Facsimile: (212) 768 6800

Attorneys for Defendant
NISTICA, INC.


ATTESTATION CLAUSE

I attest under penalty of perjury that the concurrence in the filing of this document has been obtained from its signatories.

By: /s/ Robert F. Kramer
Robert F. Kramer

IT IS SO ORDERED. The hearings on the parties' motions to amend are set for 4/23/2015 at 9:00 a.m.

Dated: March 31, 2015



UNITED STATES MAGISTRATE JUDGE
JACQUELINE SCOTT CORLEY