United States District Court For the Northern District of California

UNITED STATES I	NETRICT COURT
NORTHERN DISTRIC	CT OF CALIFORNIA
SAN JOSE	DIVISION
ADAPTIX, INC.,	Case No. 5:14-cv-01385-PSG
Plaintiff,	ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD- PARTY DISCOVERY
v. () SONY MOBILE COMMUNICATIONS, INC., () et al., ()	(Re: Docket No. 177)
) Defendants.	
ADAPTIX, INC.,	Case No. 5:14-cv-02894-PSG
ADAPTIA, INC.,) Plaintiff,)	ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD- PARTY DISCOVERY
v. () KYOCERA CORPORATION, et al., ()	(Re: Docket No. 185)
Defendants.	
)	Case No. 5:14-cv-02895-PSG
ADAPTIX, INC.,) Plaintiff,)	ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD- PARTY DISCOVERY
v.)	(Re: Docket No. 192)
KYOCERA CORPORATION, et al.,)	
Defendants.	

Plaintiff, V. V. ZTE CORPORATION, et al., Defendants. ADAPTIX, INC., Plaintiff, V. ZTE CORPORATION, et al., Defendants. Before the court is a motion by Adaptix, Inc., Plaintiff in each of these related cases. Adaptix seeks leave to conduct discovery on non-party Qualcomm Incorporated after the clo fact discovery. ¹ Adaptix has since confirmed that further discovery in most of these cases— ¹ See Case No. 14-1385, Docket No. 177; Case No. 14-2894, Docket No. 185; Case No. 14-2894, Docket No	ADAPTIX, INC.,) Case No. 5:15-cv-00165-PSG
ZTE CORPORATION, et al., (Re: Docket No. 268) ADAPTIX, INC., Case No. 5:15-cv-00166-PSG ADAPTIX, INC., ORDER DENYING MOTION FOR V. Plaintiff, V. (Re: Docket No. 266) ZTE CORPORATION, et al., Case No. 5:15-cv-00167-PSG ADAPTIX, INC., ORDER DENYING MOTION FOR V. (Re: Docket No. 266) ZTE CORPORATION, et al., Case No. 5:15-cv-00167-PSG ADAPTIX, INC., ORDER DENYING MOTION FOR V. (Re: Docket No. 260) ZTE CORPORATION, et al., Case No. 5:15-cv-00168-PSG ORDER DENYING MOTION FOR PARTY DISCOVERY V. (Re: Docket No. 260) ZTE CORPORATION, et al., Case No. 5:15-cv-00168-PSG ORDER DENYING MOTION FOR PARTY DISCOVERY V. Case No. 5:15-cv-00168-PSG ORDER DENYING MOTION FOR PARTY DISCOVERY V. Case No. 5:15-cv-00168-PSG ORDER DENYING MOTION FOR PARTY DISCOVERY V. Case No. 5:15-cv-00168-PSG ORDER DENYING MOTION FOR PARTY DISCOVERY V. Case No. 5:15-cv-00168-PSG ORDER DENYING MOTION FOR <	Plaintiff,) LEAVE TO CONDUCT THIRD-
Defendants. Case No. 5:15-cv-00166-PSG ADAPTIX, INC., ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD- PARTY DISCOVERY v. (Re: Docket No. 266) ZTE CORPORATION, et al., Case No. 5:15-cv-00167-PSG ADAPTIX, INC., ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD- PARTY DISCOVERY v. Case No. 5:15-cv-00167-PSG ADAPTIX, INC., ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD- PARTY DISCOVERY v. (Re: Docket No. 260) ZTE CORPORATION, et al., ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD- PARTY DISCOVERY v. (Re: Docket No. 260) ZTE CORPORATION, et al., ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD- PARTY DISCOVERY v. (Re: Docket No. 222) ZTE CORPORATION, et al., (Re: Docket No. 222) ZTE CORPORATION, et al., Defendants. Defendants. (Re: Docket No. 222) TE CORPORATION, et al., (Re: Docket No. 222) TE CORPORATION, et al., Defendants. Defendants. (Re: Docket No. 268; Case No. 14-2894, Docket No. 185; Case No. 14-2894, Docket No. 266; Case No. 15-0165, Docket No. 268; Case No. 15-0166, Docket No. 266; Case No. 15-0166, Dock) (Re: Docket No. 268)
ADAPTIX, INC., Case No. 5:15-cv-00166-PSG Plaintiff, ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD- PARTY DISCOVERY v. (Re: Docket No. 266) ZTE CORPORATION, et al., Case No. 5:15-cv-00167-PSG ADAPTIX, INC., ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD- PARTY DISCOVERY v. (Re: Docket No. 266) ZTE CORPORATION, et al., ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD- PARTY DISCOVERY v. (Re: Docket No. 260) ZTE CORPORATION, et al., ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD- PARTY DISCOVERY v. (Re: Docket No. 260) ZTE CORPORATION, et al., ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD- PARTY DISCOVERY v. (Re: Docket No. 260) ZTE CORPORATION, et al., (Re: Docket No. 222) ZTE CORPORATION, et al., (Re: Docket No. 222) ZTE CORPORATION, et al., (Re: Docket No. 222) Sefore the court is a motion by Adaptix, Inc., Plaintiff in each of these related cases. Adaptix seeks leave to conduct discovery on non-party Qualcomm Incorporated after the clo fact discovery. ¹ Adaptix has since confirmed that further discovery in most of these cases	ZTE CORPORATION, et al.,)
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ADAPTIX, INC., Case No. 5:15-cv-00168-PSG ADAPTIX, INC., ORDER DENYING MOTION FOR Plaintiff, PARTY DISCOVERY v. Party DISCOVERY v. (Re: Docket No. 222) ZTE CORPORATION, et al., Party Discovery Defendants. Party Discovery ************************************	ZTE CORPORATION, et al.,)
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ones involving Defendants Sony Mobile Communications, Inc. and ZTE Corporation²—is unwarranted because the cases are likely to settle or be dismissed.³ The only remaining issue, therefore, is whether third-party discovery is justified in the two cases involving Defendant Kyocera Corporation.⁴

Adaptix acknowledges that its subpoenas to Qualcomm in the Kyocera cases did not request that Qualcomm produce any source code. Although Adaptix characterizes this as an associate's oversight, Adaptix did not correct the mistake in the several months after it issued the subpoena in July. There is no process by which the court may order further discovery under Fed. R. Civ. P. 45. The motion is DENIED.

SO ORDERED.

Dated: November 12, 2015

And /

PAUL S. GREWAL United States Magistrate Judge

² See Case No. 14-1385; Case No. 15-0165; Case No. 15-0166; Case No. 15-0167; Case No. 15-0168.

³ See Case No. 14-1385, Docket No. 186; Case No. 14-2894, Docket No. 188; Case No. 14-2895, Docket No. 196; Case No. 15-0165, Docket No. 279; Case No. 15-0166, Docket No. 273; Case No. 15-0167, Docket No. 267; Case No. 15-0168, Docket No. 229.

28 ⁴ See Case No. 14-2894; Case No. 14-2895.

Case Nos. 5:14-cv-01385-PSG; -02894; -02895; 5:15-cv-00165-PSG; -00166; -00167; -00168 ORDER DENYING MOTION FOR LEAVE TO CONDUCT THIRD-PARTY DISCOVERY