

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

ADAPTIX, INC.,

Plaintiff,

v.

SONY MOBILE COMMUNICATIONS, INC.,
et al.,

Defendants.

Case No. 5:14-cv-01385-PSG
**ORDER DENYING MOTION FOR
LEAVE TO CONDUCT THIRD-
PARTY DISCOVERY**
(Re: Docket No. 177)

ADAPTIX, INC.,

Plaintiff,

v.

KYOCERA CORPORATION, et al.,

Defendants.

Case No. 5:14-cv-02894-PSG
**ORDER DENYING MOTION FOR
LEAVE TO CONDUCT THIRD-
PARTY DISCOVERY**
(Re: Docket No. 185)

ADAPTIX, INC.,

Plaintiff,

v.

KYOCERA CORPORATION, et al.,

Defendants.

Case No. 5:14-cv-02895-PSG
**ORDER DENYING MOTION FOR
LEAVE TO CONDUCT THIRD-
PARTY DISCOVERY**
(Re: Docket No. 192)

1 ADAPTIX, INC.,
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3 Plaintiff,
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5 v.
6 ZTE CORPORATION, et al.,
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8 Defendants.

Case No. 5:15-cv-00165-PSG

**ORDER DENYING MOTION FOR
LEAVE TO CONDUCT THIRD-
PARTY DISCOVERY**

(Re: Docket No. 268)

6 ADAPTIX, INC.,
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8 Plaintiff,
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10 v.
11 ZTE CORPORATION, et al.,
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13 Defendants.

Case No. 5:15-cv-00166-PSG

**ORDER DENYING MOTION FOR
LEAVE TO CONDUCT THIRD-
PARTY DISCOVERY**

(Re: Docket No. 266)

12 ADAPTIX, INC.,
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14 Plaintiff,
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16 v.
17 ZTE CORPORATION, et al.,
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19 Defendants.

Case No. 5:15-cv-00167-PSG

**ORDER DENYING MOTION FOR
LEAVE TO CONDUCT THIRD-
PARTY DISCOVERY**

(Re: Docket No. 260)

18 ADAPTIX, INC.,
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20 Plaintiff,
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22 v.
23 ZTE CORPORATION, et al.,
24
25 Defendants.

Case No. 5:15-cv-00168-PSG

**ORDER DENYING MOTION FOR
LEAVE TO CONDUCT THIRD-
PARTY DISCOVERY**

(Re: Docket No. 222)

23 Before the court is a motion by Adaptix, Inc., Plaintiff in each of these related cases.
24 Adaptix seeks leave to conduct discovery on non-party Qualcomm Incorporated after the close of
25 fact discovery.¹ Adaptix has since confirmed that further discovery in most of these cases—the

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27 ¹ See Case No. 14-1385, Docket No. 177; Case No. 14-2894, Docket No. 185; Case No. 14-2895,
28 Docket No. 192; Case No. 15-0165, Docket No. 268; Case No. 15-0166, Docket No. 266; Case No.
15-0167, Docket No. 260; Case No. 15-0168, Docket No. 222.

1 ones involving Defendants Sony Mobile Communications, Inc. and ZTE Corporation²—is
2 unwarranted because the cases are likely to settle or be dismissed.³ The only remaining issue,
3 therefore, is whether third-party discovery is justified in the two cases involving Defendant
4 Kyocera Corporation.⁴

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

10 **SO ORDERED.**

11 Dated: November 12, 2015

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13 PAUL S. GREWAL
14 United States Magistrate Judge

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² See Case No. 14-1385; Case No. 15-0165; Case No. 15-0166; Case No. 15-0167; Case No. 15-
25 0168.

26 ³ See Case No. 14-1385, Docket No. 186; Case No. 14-2894, Docket No. 188; Case No. 14-2895,
27 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.