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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SILICON LABORATORIES, INC.,
Plaintiff,
v.
CRESTA TECHNOLOGY
CORPORATION,
Defendant.

Case No. [14-cv-03227-PSG](#)
**ORDER RE: REQUEST FOR
GUIDANCE ON EXPERT DISCOVERY
AND REPORTS**
(Re: Docket Nos. 118, 122)

Plaintiff Silicon Laboratories, Inc. seeks the court’s guidance on issues related to upcoming depositions of Defendant Cresta Technology Corporation’s experts.¹ Cresta Tech does not dispute that it bears the burden of proof on its affirmative defenses, including laches.² Because Cresta Tech’s experts, Mihai Murgulescu and Matthew Lewis, failed to mention the issue in their opening reports, they should not have raised it in their rebuttal reports, and they may not testify to laches at trial. As for the documents that Cresta Tech allegedly produced for the first time as attachments to Lewis’ rebuttal report, it appears that Cresta Tech is now rectifying any fact discovery oversights. Silicon Labs should use the deposition to take any further discovery on the issues to which these documents pertain. After the deposition, if Silicon Labs believes it still is prejudiced by the late production, it may move for further relief as necessary. Finally, the court encourages the parties to reach an agreement on the number of hours of deposition testimony that each of them will take from opposing experts. If Cresta Tech makes Murgulescu available for

¹ See Docket No. 118.

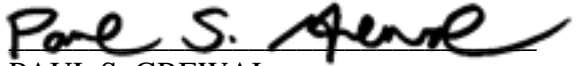
² See Docket No. 122.

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separate depositions on infringement and validity, Silicon Labs should do the same for its technical expert.

SO ORDERED.

Dated: November 10, 2015


PAUL S. GREWAL
United States Magistrate Judge