

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

CORNING OPTICAL COMMUNICATIONS )	Case No. 5:14-cv-03750-PSG
WIRELESS LTD., )	
Plaintiff, )	<b>ORDER RE: DISCOVERY DISPUTE</b>
v. )	<b>(Re: Docket No. 137)</b>
SOLID, INC. et al., )	
Defendants. )	

Plaintiff Corning Optical Communications Wireless LTD and Defendants SOLiD, Inc. and Reach Holdings, LLC have presented a dispute about where to produce foreign-based party witnesses for deposition in this patent infringement case. In resolving such a dispute, the court may consider:

- (1) The parties’ convenience and relative hardships to attend the designated location;
- (2) Cost of transportation and lost work to defendant;
- (3) Expense and inconvenience to move voluminous documents;
- (4) Whether the parties’ counsel are located in the forum district;
- (5) Whether the defendant is a large corporation whose employees often travel;
- (6) Whether significant discovery disputes may arise and judicial economy favors resolution by the forum court or other similar concerns;
- and (7) Whether the parties’ claims and parties’ relationship are such that appropriate adjustment of the equities favors a deposition site in the forum district.<sup>1</sup>

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<sup>1</sup> *Willis v. Mullins*, Case No. 04-cv-06542, 2006 U.S. Dist. LEXIS 35627, at \*17-18 (E.D. Cal. Feb. 8, 2006).

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Corning filed this suit in the United States and SOLiD and Reach successfully urged that this particular district was most convenient. In addition, this case would require counsel to fly all over the world to take the depositions and both parties have presences in the forum district. Considering these key factors, the court finds that the most equitable solution is to order that all depositions of foreign-based party witnesses take place in the Northern District of California. Corning shall produce Dror Harel in the Northern District of California no later than March 5, 2015. In turn, if and when Corning seeks to depose SOLiD foreign-based witnesses, SOLiD likewise shall produce them in the Northern District.<sup>2</sup>

**SO ORDERED.**

Dated: February 12, 2015

  
PAUL S. GREWAL  
United States Magistrate Judge

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<sup>2</sup> To the extent that parties reach an agreement setting different parameters for deposing foreign-based party witnesses, the parties are welcome to stipulate to that effect. But in the absence of a stipulation, this is the rule that will apply.