

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,)	OMNIBUS ORDER RE: DISCOVERY
v.)	DISPUTES
SOLID, INC. et al.,)	(Re: Docket Nos. 234, 237-4, 238-4, 244,
Defendants.)	296-3)

Plaintiff Corning Optical Communications Wireless Ltd. and Defendants SOLiD, Inc. and Reach Holdings LLC present a variety of disputes to the court. In the interest of efficiency, the court will dispense with a lengthy recitation of the facts and legal standards and simply rule as follows:

As to Corning’s motion regarding Defendants’ privilege claims,¹ the motion is DENIED. The court is satisfied that the materials at issue sufficiently “touch base” with the United States and are properly governed by and protected by U.S. privilege law. As to Corning’s assertion of waiver, the court is satisfied that the receiving party shared a sufficient common interest to keep the privilege intact.

¹ See Docket No. 234.

1 As to Corning's motion to preclude regarding Fed. R. Civ. P. 30(b)(6) topics,² the motion is
2 GRANTED-IN-PART. The court is persuaded that Defendants' Rule 30(b)(6) witnesses were
3 adequately—if not perfectly—prepared to testify about the designated topics, with one exception:
4 Topic 10. Corning is entitled to take an additional three hours of Rule 30(b)(6) deposition
5 testimony on this topic alone. As to the remaining topics, to the extent any witness was unable to
6 answer certain questions during deposition, those witnesses will be precluded from offering any
7 such testimony at trial pursuant to Fed. R. Civ. P. 37.

8 As to Corning's motion to compel production of certain documents,³ the motion is
9 GRANTED-IN-PART. Defendants shall produce all documents responsive to Request for
10 Production No. 31. As to Request for Production Nos. 5 and 58, the court is satisfied that
11 Defendants have already produced all documents responsive to those requests. No further
12 production is necessary. As to Request for Production Nos. 16 and 17, pursuant to Corning's
13 representation in its reply brief that Defendants have fully responded to these requests,⁴ the motion
14 is DENIED AS MOOT.

15 As to Defendants' motion for leave to amend invalidity contentions,⁵ the motion is
16 GRANTED. The court is satisfied that Defendants were sufficiently diligent in seeking such an
17 amendment. The court also cannot identify any real prejudice to Corning that might flow from
18 amended invalidity contentions. To the extent Corning would like to further depose Defendants'
19 expert based on the amended contentions, Corning may have an additional three hours to do so.

20 As to Defendants' motion for leave to file the supplemental declaration of Barry Bruce,⁶ the
21 motion is GRANTED.

22 All discovery ordered herein must be completed no later than September 9, 2015.

23
24 ² See Docket No. 237-4.

25 ³ See Docket No. 238-4.

26 ⁴ See Docket No. 253-3 at 3.


27 ⁵ See Docket No. 244.

28 ⁶ See Docket No. 296-3.

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SO ORDERED.

Dated: August 26, 2015


PAUL S. GREWAL
United States Magistrate Judge