

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

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| CORNING OPTICAL COMMUNICATIONS) | Case No. 5:14-cv-03750-PSG |
| WIRELESS LTD.,) | |
| Plaintiff,) | ORDER |
| v.) | (Re: Docket No. 302) |
| SOLID, INC. et al.,) | |
| Defendants.) | |

Earlier today, the court held a hearing with Plaintiff Corning Optical Communications Wireless Ltd. and Defendants SOLiD, Inc. and Reach Holdings LLC. The hearing addressed a recent declaration from Barry Bruce concerning the accuracy of certain statements and evidence Defendants made and submitted in connection with their motion for summary judgment. Having considered the parties’ arguments, the court now rules as follows:

- The court DENIES Defendants’ motion for summary judgment of non-infringement of U.S. Patent No. 5,969,837.¹ In light of the inconsistencies in the record created by the recent Bruce declaration,² the court is persuaded that triable issues of fact persist as to this discrete issue. An order on the remaining issues presented in the summary judgment motion will follow.
- Defendants shall produce to Corning all documents in Defendants’ possession related to the four installations that Defendants identified at today’s hearing, namely the projects at the Sioux Falls Convention Center, Reading Hospital, the Minneapolis Convention Center and Kaiser Sunnyside.

¹ See Docket No. 258-4.

² See Docket No. 296-5.


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- Defendants shall make Mr. Bruce available for a deposition in his Fed. R. Civ. P. 30(b)(1) capacity.
- Defendants shall designate a Fed. R. Civ. P. 30(b)(6) witness to testify about any sales by Reach of fiber optic cables or antennas at any DAS installation and about Reach's prior investigation into whether it sells these products.
- Corning may take up to five third-party depositions related to the projects at the Sioux Falls Convention Center, Reading Hospital, the Minneapolis Convention Center and Kaiser Sunnyside.

The court declines at this time to grant any additional relief but will consider future requests by Corning if warranted by the information uncovered through this process. All discovery ordered herein must be completed no later than September 10, 2015.³

SO ORDERED.

Dated: August 27, 2015


PAUL S. GREWAL
United States Magistrate Judge

³ As indicated at the hearing, the court's discovery order—issued yesterday—serves as a floor and not a ceiling. See Docket No. 299. Any discovery ordered herein is in addition to that previously ordered.