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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ALTERA CORPORATION,
Plaintiff,
v.
PAPST LICENSING GMBH & CO.KG,
Defendant.

Case No. [14-cv-04794-BLF](#)

**(1) ORDER GRANTING DEFENDANT’S
MOTION FOR RECONSIDERATION;
(2) ORDER GRANTING
DEFENDANTS’S UNOPPOSED
MOTION TO RELATE CASES;
(3) ORDER OF RECUSAL**

[Re: ECF 24]

On February 13, 2015, the Court denied an unopposed motion to relate the above-captioned case with another case pending in this district, *Xilinx, Inc. v. Papst Licensing GmbH & Co. KG*, 14-cv-04963-RS (“*Xilinx*”). The Court denied relation because the undersigned would be forced to recuse herself in the *Xilinx* case. On February 17, 2015, Defendant filed a motion for leave to file a motion for reconsideration of the Court’s denial of the motion to relate the cases. *See* ECF 24.

A district court has the “inherent power to reconsider, set aside, or amend interlocutory orders at any time prior to entry of a final judgment.” *Meas v. City & Cnty. of San Francisco*, 681 F. Supp. 2d 1128, 1143 (N.D. Cal. 2010). Consistent with this inherent power, the Court HEREBY GRANTS Defendant’s motion for reconsideration and ORDERS as follows.

A. Defendant’s Motion to Relate Cases

Defendant states that neither Altera nor Xilinx oppose the relief sought. *See* ECF 24-2 at 1. Both actions at issue involve the same patents, U.S. Patent Nos. 6,574,759 and 6,704,891. *See id.* at 2. Defendant has filed a motion to dismiss for lack of personal jurisdiction in both actions, and determination of both suits could require a court to construe both patents. Defendant argues that

1 failure to relate the cases would cause “unduly burdensome duplication of labor and expense or
2 conflicting results.” *Id.*

3 The Court agrees. Relation of these two cases is consistent with Civil Local Rule 3-12(a)
4 and Patent Local Rule 2-1, and the interests of judicial economy and efficiency support relating
5 the cases. As such, the Court GRANTS the motion to relate the cases.

6 **B. Recusal**

7 As the undersigned stated in her prior Order, ECF 23, she must recuse herself from *Xilinx*
8 *v. Papst Licensing*. Therefore, following the relation of these cases, the undersigned hereby
9 RECUSES herself.

10 **C. Order**

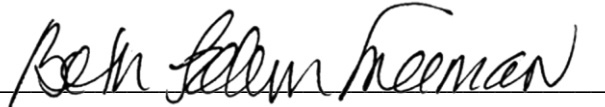
11 IT IS HEREBY ORDERED THAT:

12 1. *Xilinx, Inc. v. Papst Licensing*, 14-cv-4794, is hereby deemed related to the above-
13 captioned action, *Altera Corp. v. Papst Licensing*, pursuant to Civil Local Rule 3-12.

14 2. Due to the Court’s conflict in *Xilinx*, the Clerk is requested to randomly reassign
15 the cases pursuant to the provisions of paragraph E.2 of the Assignment Plan and Civil Local Rule
16 3-14.

17 **IT IS SO ORDERED.**

18 Dated: February 19, 2015

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20 BETH LABSON FREEMAN
21 United States District Judge
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