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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](#)

**AMENDED**  
**(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 failure to relate the cases would cause “unduly burdensome duplication of labor and expense or

1 conflicting results.” *Id.*

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

5 **B. Recusal**

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

9 **C. Order**

10 IT IS HEREBY ORDERED THAT:

11 1. The above-captioned action, *Altera Corp. v. Papst Licensing*, is hereby deemed  
12 related to *Xilinx, Inc. v. Papst Licensing*, Case No. 14-cv-4963-RS, pursuant to Civil Local Rule 3-  
13 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 D.2 of the Assignment Plan and Civil Local Rule  
16 3-14.

17 3. This Amended Order **supersedes and replaces** the prior Order at Docket Entry 25.

18 **IT IS SO ORDERED.**

19 Dated: February 19, 2015

20   
21 BETH LABSON FREEMAN  
22 United States District Judge  
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