

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
MAGISTRATE JUDGE MICHAEL E. HEGARTY

**Civil Action No.** 09-cv-01257-PAB-MEH

**Date:** July 14, 2010

**FTR – Courtroom C203**

Cathy Coomes, Courtroom Deputy

BIAx CORPORATION,

Plaintiff,

Steven J. Merker

Lee Johnston

v.

NVIDIA CORPORATION,

SONY COMPUTER ENTERTAINMENT  
AMERICA INC., and  
SONY ELECTRONICS INC.,

Defendant.

Alex V. Chachkes

Roger P. Thomasch

Christopher Ottenweller

Christian Chadd Taylor

Laura A. Hepburn (by phone)

Matthew Collins

David Rokach (by phone)

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**COURTROOM MINUTES/MINUTE ORDER**

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**TELEPHONIC MOTIONS HEARING**

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**Court in session:** 3:10 p.m.

The Court calls case. Appearances of counsel.

Discussion regarding the status of the case and the pending motions for today's hearing.

**ORDERED:** For reasons stated on the record, Partially Unopposed Sony Defendants' Motion to Seal (Doc. #253, filed 7/7/10) is GRANTED.

Argument and discussion regarding Plaintiff's Motion to Compel Production of Documents in Response to Subpoenas (Doc. #222 [sealed motion #219], filed 6/10/2010).

**ORDERED:** For reasons stated on the record, Plaintiff's Motion to Compel Production of Documents in Response to Subpoenas (Doc. #222 [sealed document #219], filed 6/10/2010) is DENIED.

Argument and discussion regarding, Plaintiff's Motion for Limited Modification of Protective Order (Doc. #233, filed 6/25/10).

**ORDERED:** Plaintiff's Motion for Limited Modification of Protective Order (Doc. #233, filed 6/25/10) is DENIED without prejudice as stated on the record.

Argument and discussion regarding Defendants' Motion to Compel and Preclude Any Infringement Allegations Against the Fermi Line of Products (Doc. #241 [sealed document #236], filed 6/25/10).

**ORDERED:** Defendants' Motion to Compel and Preclude Any Infringement Allegations Against the Fermi Line of Products (Doc. #236, filed 6/25/10) is GRANTED in part and DENIED without prejudice in part. Counsel shall provide to the Court documents BIA1 039751-52 and BIA1 040052 by **July 16, 2010**, for *in camera* review. The Court reserves ruling on the actual production of the documents to Defendants.

5:23 p.m. Court in recess.  
5:32 p.m. Court in session.

Argument and discussion regarding Plaintiff's Motion to Compel Responses to First Set of Interrogatories and Second Set of Requests for Production of Documents and Things (Doc. #226, filed 6/14/10), Plaintiff's Motion to Compel NVIDIA to Respond to Plaintiff's Third Set of Interrogatories and Fourth Set of Requests for Production of Documents and Things (Doc. #234, filed 6/25/10), and Plaintiff's Motion to Compel the Sony Defendants to Respond to Plaintiff's Third Set of Interrogatories and Fourth Set of Requests for Production of Documents and Things (Doc. #235, filed 6/25/10). The Court will not rule on these motions at this time.

Discussion regarding the pending deadlines and setting a Settlement Conference.

Counsel are directed to meet and confer and submit a Status Report on or before **July 23, 2010**, stating which, if any, portions of Plaintiff's three motions to compel remain at issue, and what modifications to the scheduling order, if any, are needed. Counsel are further directed to advise the Court whether a Settlement Conference should be held on September 21 or October 1, 2010.

**Court in recess:** 7:53 p.m. (Hearing concluded)  
Total time in court: 4:34