

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

BIAX CORPORATION,

Plaintiff,

v.

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

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on November 23, 2010.

Pending before the Court is Plaintiff's Motion to Compel NVIDIA to Produce for Deposition Rule 30(b)(6) Deposition Witnesses [filed November 12, 2010; docket #500 (sealed #499)]. NVIDIA filed its response on November 21, 2010. The Court discussed this matter with the parties on November 22, 2010, and orders as follows. At this point, the Court is inclined to rule that the four witnesses previously produced by NVIDIA satisfy the Rule 30(b)(6) topics noticed on October 21, 2010 by Plaintiff. Thus, Plaintiff shall file a reply on or before **November 30, 2010**, setting forth each area of testimony relevant to its infringement allegations in the two categories of "architecture" and "code" that it believes is deficient. NVIDIA may file a surreply on or before **December 7, 2010**.

The Court believes the motion as to the CG compiler topic has been resolved by the parties. As to the broad topics regarding RTL code, the Court is skeptical about the efficacy of any attempt to depose a witness as that witness simultaneously reviews RTL code, as suggested by Plaintiff and as cast into doubt by NVIDIA.

In consideration of the Court's authority to manage its own docket, the Court **denies as moot** NVIDIA's Motion for a Protective Order [filed November 22, 2010; docket #520].¹ The Court will consider NVIDIA's request for relief in its adjudication of Plaintiff's Motion to Compel. Plaintiff may address NVIDIA's request in its reply due on or before November 30, 2010.

¹NVIDIA appropriately complied with D.C. Colo. LCivR 7.1C by filing the motion for a protective order in a separate paper.