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VIA ELECTRONIC CASE FILES (ECF)

Magistrate Judge Paul Singh Grewal
San Jose Courthouse, Courtroom 5- 4th Floor
280 South 1st Street
San Jose, California 95113

Re: PDS, TPL, and Patriot Scientific vs. Samsung (Case No. 3:12-cv-03877-VC), LG (Case No. 3:12-cv-03880-VC), Nintendo (Case No. 3:12-cv-03881-VC), Barnes & Noble (Case No. 3:12-cv-03863-VC), ZTE (Case No. 3:12-cv-03876-VC), Garmin (Case No. 3:12-cv-03870-VC), Huawei (Case No. 3:12-cv-03865-VC), and Novatel (Case No. 3:12-cv-03879-VC)

Dear Judge Grewal,

On behalf of Plaintiffs in the above-mentioned cases, PDS, TPL, and Patriot Scientific, I write to respectfully request that the Court enter an order regarding resolution of discovery and other non-dispositive disputes, and example of which is attached hereto. Currently, there are several disputes between Plaintiffs and the Defendants regarding a variety of discovery issues. Unfortunately, despite substantial meet and confer efforts, Plaintiffs may need to file several motions to compel the production of documents, while Samsung has stated it plans on filing a motion to strike Plaintiffs' infringement contentions. Other Defendants may very well follow suit. Instead of proceeding under the rules governing such motion practice found in the Civil Local Rules and Federal Rules of Civil Procedure, I ask the Court enter an order similar to the one attached hereto in order to save the Court and parties from the expense of such traditional procedures in favor of what I believe to be a more streamlined and efficient procedure for handling such disputes.

I have personally seen how this Court's letter briefing process has worked to save everyone involved time and money. Instead of long briefs setting forth the parties' positions, the letter briefing process worked to focus the parties' disputes in a manner for quick determination by the Court. In my experience, this quick and efficient process has served the interest of justice, saved the litigants time and money, and most likely cut the Court's burden in handling these disputes.

In the current cases, following the traditional motion schedule will leave Plaintiffs with very little time to complete discovery. The current fact discovery cut-off is set for September 8, 2015. Samsung's planned motion to strike is scheduled for a hearing on July 21, 2015. Samsung stated that this is the first hearing date available under the established procedures. Assuming that Plaintiffs' motion to compel is heard at the same time as Samsung's motion, Samsung and Plaintiffs would only have a little over a month to resolve their issues before the discovery cut-off.

Plaintiffs' counsel alerted the above-named Defendants' counsel last Thursday and told them via email that they would be asking the Court implement the letter briefing process described in the order attached to this letter. Plaintiffs' counsel also asked for a response by noon PDT today as to their position concerning this issue. As of this moment, Plaintiffs' counsel has not heard back from any of the Defendants as to whether they agree or oppose entry of an order implementing the letter briefing process. Samsung notified Plaintiffs yesterday of its intent to file a motion to strike Plaintiffs' infringement contentions.

Currently, no discovery related motions are pending. In order to allow all the parties to complete their discovery in the allotted time, I respectfully ask the Court to set in place a letter briefing process that the parties' respective disputes can be addressed quickly and efficiently.

Yours Truly,

_____/s/____

Christopher D. Banys

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

ADAPTIX, Inc., Plaintiff, v. MOTOROLA MOBILITY LLC, <i>et al.</i> , Defendants.	Case No. 5:13-cv-01774-PSG ORDER REGARDING PROCEDURE FOR RESOLUTION OF DISPUTES CONCERNING DISCOVERY AND OTHER NON-DISPOSITIVE ISSUES
ADAPTIX, Inc., Plaintiff, v. APPLE, INC., <i>et al.</i> , Defendants.	Case No. 5:13-cv-01776-PSG
ADAPTIX, Inc., Plaintiff, v. APPLE, INC., <i>et al.</i> , Defendants.	Case No. 5:13-cv-01777-PSG
ADAPTIX, Inc., Plaintiff, v. AT&T MOBILITY LLC, <i>et al.</i> , Defendants.	Case No. 5:13-cv-01778-PSG
ADAPTIX, Inc., Plaintiff, v. CELLCO PARTNERSHIP <i>d/b/a</i> VERIZON WIRELESS, <i>et al.</i> , Defendants.	Case No. 5:13-cv-01844-PSG
ADAPTIX, Inc., Plaintiff, v. APPLE, INC., <i>et al.</i> , Defendants.	Case No. 5:13-cv-02023-PSG

**ORDER REGARDING PROCEDURE FOR RESOLUTION OF DISPUTES
CONCERNING DISCOVERY AND OTHER NON-DISPOSITIVE ISSUES**

If, after conducting good faith meet-and-confer efforts in person or by telephone, counsel are unable to resolve a discovery or other non-dispositive dispute, counsel for the moving party or parties shall contact chambers at (408) 535-5438 -- cpf "not the courtroom deputy -- to advise which parties have disputes and describe what the dispute is about and schedule a date for teleconference. Once the teleconference has been scheduled, the moving party or parties shall file a "Motion for Teleconference To Resolve Dispute(s)." ¹ The following procedures shall apply:

1. Letter Briefs: By no later than 5:00 p.m. Pacific seven (7) court days prior to the date of the conference, each moving party shall file a letter brief with the Court, not to exceed four (4) pages, in no less than 12 point font, outlining the issues in dispute and its position on those issues. No more than three (3) disputed issues may be raised in the letter brief. By no later than 5:00 p.m. Pacific two (2) court days prior to the date of the conference, each party opposing a request for relief may file a letter brief, not to exceed four (4) pages, in no less than 12 point font, outlining that party's reasons for its opposition. No reply letter briefs may be filed.

2. Attachments/Exhibits: Generally, there should be limited attachments or exhibits to the letter briefs. For example, in a dispute regarding written discovery, only the disputed interrogatory, request for admission, or request for production and the responses as they exist at the time of the letter briefs should be attached. The history of the parties' attempts to resolve and/or narrow the issues shall not be included; however, suggested solutions to the issues shall

¹ The suggested text for this motion is as follows:

[JOINT] MOTION FOR TELECONFERENCE TO RESOLVE [*DISCOVERY or NON-DISPOSITIVE*] DISPUTE[S]

[*Name or Names of parties*] respectfully moved this Court to schedule a teleconference to address outstanding disputes regarding [*discovery or other non-dispositive*] matters. As a result of a previous teleconference with Chambers, the parties will provide submissions and present their respective positions consistent with the Court's Procedures for Resolving Discovery and Non-Dispositive Disputes during a teleconference on [*date and time*] with counsel for [*moving party*] to initiate the call.

1 be included in the letter briefs. Cases and transcripts cited and relied upon in the letter briefs
2 may be attached as exhibits.

3 3. Sworn Declarations: To the extent factual issues are disputed or central to the
4 Court's analysis (*e.g.*, disputes regarding attorney-client privilege, work product doctrine,
5 privilege logs, etc.), non-conclusory, sworn declarations may be attached as exhibits, but only to
6 the extent necessary to establish the facts.

7 4. Proposed Order: A proposed order shall be attached as an exhibit to the moving
8 party's letter brief. The proposed order shall set forth the nature of the relief requested, including
9 the date by which the requested relief is to be completed.

10 Should the Court find further briefing is necessary upon the conclusion of the
11 teleconference, the Court will order it.

12 Counsel shall provide the Court with a list of the teleconference participants on a separate
13 page accompanying its letter brief. The list will not be counted as part of the page limitation for
14 the letter brief. Participating counsel will have the option to appear in Court in person rather
15 than by phone at the time of the scheduled teleconference.

16 A dispute that arises during a deposition may still be addressed in accordance with Civil
17 L.R. 37-1(b) as appropriate. If, however, the parties fail to contact chambers during the
18 deposition or the Court is unable to address the dispute at that time, then the parties may request
19 relief in accordance with the above procedure.

20 The deadlines set forth in Civil L.R. 37-3 shall apply to the above procedure.

21 IT IS SO ORDERED.
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23 Dated: 08/14/13
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25 PAUL S. GREWAL
26 United States Magistrate Judge
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