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8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

12 ACER INC., HTC CORP., BARCO NV,
 13 Plaintiffs,

14 vs.

15 TECHNOLOGY PROPERTIES, LTD. et al.,
 16 Defendants.

Case No: C-08-00877 JW
 C-08-00882 JW
 C-08-05398 JW

RECOMMENDED DISCOVERY ORDER
 NO. 4.

18 Plaintiff, Barco's, "Motion to Strike Portions of TPL's Third Amended Infringement
 19 Contention" came on for hearing on July 3, 2012. Extensive briefing and exhibits having
 20 been reviewed and oral argument heard, it is ordered as follows:

21 The motion is DENIED.

22 REASONS FOR DECISION

23 The present motion is based upon local Patent Rule 3-1(c) which requires parties to
 24 "identify specifically where each limitation of each asserted claim is found within each
 25 Accused Instrumentality." In the present third iteration of TPL's infringement contentions,
 26 TPL has succeeded in doing this.
 27
 28

1 This motion follows Magistrate Judge Lloyd's Order of September 20, 2011 (Doc.
2 223) and the Special Master's Recommended Discovery Order No. 2 (Doc. 332) dated
3 February 24, 2012, both of which orders required TPL to "either provide information
4 concerning the products at issue or explain how and/or why information concerning any
5 products not at issue is relevant to its IC's." (Doc 223, Page 7, Lines 12-14).

6 The focus of moving party Barco's motion is on the question of whether TPL's
7 infringement contentions adequately specify where "each limitation of each asserted claim
8 is found within each Accused Instrumentality." While the third amended infringement
9 contentions are lengthy and while they rely, to a significant degree, on what best be
10 described as "generic" white papers and declarations which deal more with the generalities
11 of the technical field involved and the underlying laws of physics and chip production, they
12 do, when read carefully, meet the burden of local Patent Rule 3-1(c). This is true as to all
13 three patents at issue, the '336, '749 and '890.

14 The greatest part of Barco's moving papers is directed at whether or not the various
15 limitations involved in the three patents in suit are in fact manifested in the Barco products.
16 This, however, is a question for a later day, a subject for discovery and, eventually, proof.
17 At the present stage, the question is whether or not TPL has adequately specified where
18 each limitation of each *asserted claim* is found within each Accused Instrumentality. This
19 TPL has done. Local Patent Rule 3-1(c); *Network Caching Tech., LLC v. Novell, Inc.*, 2002
20 WL 32126128 (N.D. Cal. August 13, 2002); *Shared Memory Graphics, LLC v. Apple, Inc.*
21 2011 U.S. Dist. LEXIS 99166 (N.D. Cal. Sept. 2nd 2011)

22 TPL asserts, correctly, that its infringement contention advise Barco as to where
23 each limitation found. By way of illustrative example, as to Claim 1 of the 336 Patent, after
24 citation to the book "Design of High Performance Microprocessor Circuits," Chapter 6, by
25 Anatha Chandra and to a declaration by its expert, Dr. Oklobdziga, TPL goes on to state
26 that "This limitation is found within the Virtex-5 chip itself." That chip is incorporated within
27 the accused "JPEG DCPD-2000 Encoder/Decoder." Whether TPL can back up that
28 assertion as the case moves forward is a question for another day.

1 TPL provides similar specification of the location of where each limitation of each
2 asserted claim is found within the accused products.

3 The parties have ten days from the date of this Order to file any objection.
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5 Dated: July 11, 2012

/s/ Thomas HR Denver
THOMAS HR DENVER

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