

EXHIBIT A

Part 1

CLOSED, PATENT, PaperDocuments

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:03-cv-01035-SLR**

Toshiba Corporation v. Juniper Networks, et al
Assigned to: Judge Sue L. Robinson
Demand: \$0
Case in other court: Federal Circuit, 06-01612
Cause: 28:1338 Patent Infringement

Date Filed: 11/13/2003
Date Terminated: 08/31/2006
Jury Demand: Defendant
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff**Toshiba Corporation**

represented by **Richard L. Horwitz**
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V.

Defendant

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Defendant

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TERMINATED: 09/15/2005

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Counter Claimant

Riverstone Networks, Inc.
TERMINATED: 09/15/2005

represented by **Jack B. Blumenfeld**
(See above for address)
TERMINATED: 10/11/2005
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V.

Counter Defendant

Toshiba Corporation

represented by **Richard L. Horwitz**
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TERMINATED: 09/15/2005

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V.

Counter Defendant

Toshiba Corporation

represented by **Richard L. Horwitz**
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Date Filed	#	Docket Text
11/13/2003	1	COMPLAINT filed. Magistrate Consent Notice to Pltf. FILING FEE \$ 150.00 RECEIPT # 135165 (bkb) (Entered: 11/14/2003)
11/13/2003		SUMMONS(ES) issued for Juniper Networks, Riverstone Networks copies to: counsel (bkb) (Entered: 11/14/2003)
11/13/2003	3	RETURN OF SERVICE executed as to Juniper Networks 11/13/03 Answer due on 12/3/03 for Juniper Networks (dab) (Entered: 11/14/2003)
11/13/2003	4	RETURN OF SERVICE executed as to Riverstone Networks 11/13/03 Answer due on 12/3/03 for Riverstone Networks (dab) (Entered: 11/14/2003)
11/14/2003	2	Report to Commissioner of Patents and Trademarks. Exit original. Re 4 U.S. Patents; 6,343,322; 6,341,127; 6,304,577 and 6,147,989. (bkb) Modified on 11/14/2003 (Entered: 11/14/2003)
11/19/2003	5	CASE assigned to Judge Sue L. Robinson . Notice to all parties. (rjb) (Entered: 11/19/2003)
11/26/2003	6	STIPULATION extending time for defts' to respond to the complaint; with proposed order (fmt) (Entered: 12/01/2003)
12/02/2003		So Ordered granting [6-1] stipulation reset Answer deadline to 1/2/04 for Riverstone Networks, for Juniper Networks (signed by Judge Sue L. Robinson) Notice to all parties. (rld) (Entered: 12/02/2003)
01/05/2004	7	STIPULATION to extend time for the defts to respond to the complaint; with proposed order (fmt) (Entered: 01/05/2004)
01/05/2004	8	**Terminated attorney Richard H. Morse for Riverstone Networks, attorney Richard H. Morse for Juniper Networks Notice of attorney appearance for Juniper Networks, Riverstone Networks by William J. Marsden Jr., Jack B. Blumenfeld (fmt) (Entered: 01/06/2004)
01/06/2004		So Ordered granting [7-1] stipulation reset Answer deadline to 2/2/04 for Riverstone Networks, for Juniper Networks (signed by Judge Sue L. Robinson) Notice to all parties. (rld) (Entered: 01/07/2004)

01/29/2004	9	ORDER effective immediately the court will not consider applications and requests submitted by letter or in a form other than a motion, absent express approval by the court; no telephone calls are to be made to chambers; emergency matters should be emailed to the court at the address provided with no attachments (signed by Judge Sue L. Robinson) copies to: cnsl. (rld) (Entered: 01/29/2004)
02/02/2004	10	ANSWER to complaint and COUNTERCLAIMS by Riverstone Networks against Toshiba Corporation (fmt) (Entered: 02/02/2004)
02/02/2004	11	ANSWER to Complaint by Juniper Networks; jury demand (fmt) (Entered: 02/03/2004)
02/04/2004	12	ORDER, set Tele-Scheduling Conference for 8:30 3/5/04 (signed by Judge Sue L. Robinson) copies to: cnsl. (rld) (Entered: 02/04/2004)
02/23/2004	13	ANSWER by Toshiba Corporation to [10-2] counter claim (fmt) (Entered: 02/24/2004)
03/04/2004	14	MOTION by Toshiba Corporation with Proposed Order for Arthur I. Neustadt to Appear Pro Hac Vice (fmt) (Entered: 03/04/2004)
03/04/2004	15	Letter to Judge Robinson from R. Horwitz re scheduling telecnf. set for 3/5/04 at 8:30 a.m.; parties have not been able to agree on a proposed schedule; attaching chart (fmt) (Entered: 03/04/2004)
03/05/2004		So Ordered granting [14-1] motion for Arthur I. Neustadt to Appear Pro Hac Vice (signed by Judge Sue L. Robinson) Notice to all parties. (rld) (Entered: 03/05/2004)
03/05/2004		Scheduling teleconference held; Judge Robinson presiding; Court Rptr. not present (fmt) (Entered: 03/05/2004)
03/19/2004	16	Letter to Judge Robinson from R. Horwitz enclosing the Scheduling Order (fmt) (Entered: 03/19/2004)
03/19/2004	17	Proposed Scheduling Order filed (fmt) (Entered: 03/19/2004)
03/19/2004		So Ordered [17-1] proposed order as granted on 3/5/04 during teleconf. set Scheduling Order Deadlines: joining of parties, amended pleadings on 1/21/05 Discovery deadline on 7/29/05 Deadline for filing dispositive motions by 9/9/05, opposition briefs due 9/30/05, reply briefs due 10/14/05; Pretrial conference by 4:30 2/15/06; Jury Trial Date Deadline 9:30 3/6/06 , and set Motion in Limine Filing deadline to 2/1/06, responsive briefs due 2/8/06 , disc set 1st Discovery Hearing for 4:30 10/18/04 , and set 2nd Discovery hearing for 4:30 3/3/05 , set Oral Argument re summary jgm. motins for 1:00 11/22/05 Daubert Motions due 8/12/05; matter referred to Mag. Judge Thyng for purpose of exploring settlement; Issues of claim construction due to the court by 9/2/05, answering briefs due 9/23/05, SEE Order for further details (signed by Judge Sue L. Robinson) Notice to all parties. (rld) (Entered: 03/22/2004)
03/22/2004	18	MOTION by Juniper Networks with Proposed Order for Ruffin B. Cordell, Joseph V. Colaianni, Jr., Michael J. McKeon and Brian T. Racilla to Appear Pro Hac Vice (fmt) (Entered: 03/22/2004)

03/23/2004		So Ordered granting [18-1] motion for Ruffin B. Cordell, Joseph V. Colaianni, Jr., Michael J. McKeon and Brian T. Racilla to Appear Pro Hac Vice (signed by Judge Sue L. Robinson) Notice to all parties. (rld) (Entered: 03/23/2004)
03/23/2004	19	ORDER, set Telephone Conference for 9:00 5/7/04 (signed by Judge Mary P. Thyng) copies to: cnsl (fmt) (Entered: 03/23/2004)
03/31/2004	20	CERTIFICATE OF SERVICE by Toshiba Corporation re Initial Disclosures (fmt) (Entered: 03/31/2004)
04/01/2004	21	CERTIFICATE OF SERVICE by Juniper Networks re disclosures (fmt) (Entered: 04/02/2004)
04/02/2004	22	MOTION by Toshiba Corporation with Proposed Order for Richard D. Kelly, James J. Kulbaski and Clayton W. Thompson, II to Appear Pro Hac Vice (fmt) (Entered: 04/02/2004)
04/05/2004		So Ordered granting [22-1] motion for Richard D. Kelly, James J. Kulbaski and Clayton W. Thompson, II to Appear Pro Hac Vice (signed by Judge Sue L. Robinson) Notice to all parties. (rld) (Entered: 04/05/2004)
04/12/2004	23	CERTIFICATE OF SERVICE by Toshiba Corporation re discovery (fmt) (Entered: 04/13/2004)
04/23/2004	24	MOTION by Juniper Networks with Proposed Order for Shekhar Vyas to Appear Pro Hac Vice (rld) (Entered: 04/23/2004)
04/23/2004	25	CERTIFICATE OF SERVICE by Juniper Networks re discovery (fmt) (Entered: 04/26/2004)
04/27/2004		So Ordered granting [24-1] motion for Shekhar Vyas to Appear Pro Hac Vice (signed by Judge Sue L. Robinson) Notice to all parties. (fmt) (Entered: 04/27/2004)
05/07/2004	26	ORDER, set Telephone Conference for 9:00 10/4/04 (signed by Judge Mary P. Thyng) copies to: cnsl (fmt) (Entered: 05/07/2004)
05/14/2004	27	STIPULATION to Extend Time to Respond to Discovery Requests; with proposed order (fmt) (Entered: 05/17/2004)
05/18/2004		So Ordered granting [27-1] stipulation extending time for Toshiba to respond to Riverstone's 1st set of interrog. until 6/7/04; and Riverstone's resp. to Toshiba's 1st set of interrog. and req. for prod. due 6/11/04 (signed by Judge Sue L. Robinson) Notice to all parties. (rld) (Entered: 05/18/2004)
05/19/2004	28	STIPULATION To Extend Time To Respond to Discovery Requests; with proposed order (fmt) (Entered: 05/19/2004)
05/20/2004		So Ordered granting [28-1] stipulation extending time for pltf. to serve its responses to Riverstone's 1st set of req. for prod. until 6/22/04 (signed by Judge Sue L. Robinson) Notice to all parties. (rld) (Entered: 05/20/2004)
05/26/2004	29	STIPULATION to Extend Time to Respond to Discovery Requests; with proposed order (fmt) (Entered: 05/26/2004)

05/27/2004		So Ordered granting [29-1] stipulation extending time to respond to discovery requests (signed by Judge Sue L. Robinson) Notice to all parties. (rld) (Entered: 05/27/2004)
06/08/2004	30	CERTIFICATE OF SERVICE by Toshiba Corporation re responses to Riverstone Networks, Inc.'s 1st set of interrogs (fmt) (Entered: 06/08/2004)
06/15/2004	31	CERTIFICATE OF SERVICE by Juniper Networks re response to 1st set of interrogs (Nos. 1-10) and response to 1st set of reqs for prod (Nos. 1-66) (fmt) (Entered: 06/16/2004)
06/16/2004	32	CERTIFICATE OF SERVICE by Riverstone Networks re response to 1st set of interrogs Nos. 1-6 and response to 1st set of reqs for prod of docs and things Nos. 1-62 (fmt) (Entered: 06/17/2004)
06/17/2004	33	CERTIFICATE OF SERVICE by Toshiba Corporation re responses to Juniper Networks, Inc.'s 1st set of interrogs (Nos. 1-10) and responses to Juniper Networks, Inc.'s 1st set of reqs for prod of docs and things (Nos. 1-70) (fmt) (Entered: 06/17/2004)
06/22/2004	34	CERTIFICATE OF SERVICE by Toshiba Corporation re responses to Riverstone Networks, Inc.'s 1st set of reqs for prod. of docs. and things (Nos. 1-50) (fmt) (Entered: 06/22/2004)
07/02/2004	35	UNOPPOSED MOTION by Toshiba Corporation with Proposed Order to Amend [1-1] complaint re: [35-1] motion (fmt) (Entered: 07/06/2004)
07/15/2004		So Ordered granting [35-1] motion to Amend [1-1] complaint (signed by Judge Sue L. Robinson) Notice to all parties. (rld) (Entered: 07/16/2004)
07/15/2004	36	AMENDED COMPLAINT by Toshiba Corporation , (Answer due 7/26/04 for Riverstone Networks, for Juniper Networks) amending [1-1] complaint filed per D.I. 35 (rld) (Entered: 07/16/2004)
07/21/2004	37	Disclosure Statement pursuant to Rule 7.1 by Riverstone Networks (fmt) (Entered: 07/22/2004)
07/29/2004	38	Amended ANSWER to amended complaint and COUNTERCLAIMS by Riverstone Networks against Toshiba Corporation (fmt) (Entered: 07/29/2004)
07/29/2004	39	ANSWER by Juniper Networks to amended complaint and Additional Defenses; jury demand (fmt) (Entered: 07/30/2004)
08/12/2004	40	Amended ANSWER by Toshiba Corporation to [38-2] amended counter claims (fmt) (Entered: 08/13/2004)
08/31/2004		Deadline updated; reset Discovery Hearing for 4:30 11/4/04 (rld) (Entered: 08/31/2004)
08/31/2004	41	Letter to Judge Robinson from D. Moore confirming that discovery status conf. scheduled for 10/18/04 has been moved to 11/4/04 at 4:30 p.m. (fmt) (Entered: 08/31/2004)
09/01/2004	42	CERTIFICATE OF SERVICE by Riverstone Networks re 2nd set of reqs for prod of docs and things (fmt) (Entered: 09/01/2004)

09/27/2004	43	CERTIFICATE OF SERVICE by Toshiba Corporation re 2nd set of interrogs (No. 7) to Riverstone Networks, Inc ; 2nd set of interrogs (No. 11) to Juniper Networks, Inc ; and supplemental response to Juniper Networks, Inc.'s Interrog No. 1 (fmt) (Entered: 09/28/2004)
09/30/2004	44	CERTIFICATE OF SERVICE by Toshiba Corporation re responses to 2nd set of reqs for prod of docs and things (Nos 51-68) (fmt) (Entered: 10/01/2004)
10/12/2004	45	ORDER, set Settlement Conference for 10:00 5/12/05 , set Telephone Conference for 9:00 4/18/05 (signed by Judge Mary P. Thyng) copies to: cnsf. (rld) (Entered: 10/12/2004)
10/26/2004	46	CERTIFICATE OF SERVICE by Toshiba Corporation re supplemental response to Riverstone Networks, Inc.'s Interrog No. 1 (fmt) (Entered: 10/27/2004)
11/01/2004	47	CERTIFICATE OF SERVICE by Riverstone Networks re response to Toshiba Corporation's 2nd set of interrogs (No. 7) (fmt) (Entered: 11/01/2004)
11/03/2004		Deadline updated; reset Discovery Hearing for 4:30 1/4/05 per cnsf.' request; confirming letter to be filed shortly. (rld) (Entered: 11/03/2004)
11/03/2004	48	Letter to Judge Robinson from K. Healey confirming parties have agreed to reschedule for 1/4/05 at 4:30 p.m. the discovery conf. originally scheduled for 11/4/04 (fmt) (Entered: 11/04/2004)
12/27/2004	49	CERTIFICATE OF SERVICE by Riverstone Networks re supplemental initial disclosure (fmt) (Entered: 12/29/2004)
12/29/2004	50	CERTIFICATE OF SERVICE by Toshiba Corporation re discovery (fmt) (Entered: 12/30/2004)
12/30/2004	51	CERTIFICATE OF SERVICE by Toshiba Corporation re discovery (fmt) (Entered: 12/30/2004)
01/04/2005	52	Letter to Judge Robinson from R. Horwitz enclosing a proposed protective order for court's consideration during tonight's discovery conf. (rld) (Entered: 01/04/2005)
01/04/2005		Discovery hearing held; Judge Robinson presiding; crt. rprr. V. Gunning present; next disc. hrg. set for 1/26/05 at 4:30 p.m. (rld) Modified on 01/10/2005 (Entered: 01/05/2005)
01/05/2005		Deadline updated; set Discovery Hearing for 4:30 1/26/05 (rld) (Entered: 01/05/2005)
01/07/2005	53	Steno Notes for 1/4/05 disc. conf.; Judge Robinson presiding; crt. rprr. V. Gunning (rld) (Entered: 01/10/2005)
01/07/2005	54	TRANSCRIPT filed [0-0] discovery hearing for dates of 1/4/05; Judge Robinson presiding; crt. rprr. V. Gunning (rld) (Entered: 01/10/2005)
01/25/2005	55	STIPULATED Protective Order (fmt) (Entered: 01/25/2005)
01/25/2005	56	CERTIFICATE OF SERVICE by Riverstone Networks re supplemental

		response to 1st set of interros (No. 1) and 2nd set of interros (No. 7) (fmt) (Entered: 01/26/2005)
01/26/2005		So Ordered granting [55-1] stipulated PROTECTIVE ORDER(signed by Judge Sue L. Robinson) Notice to all parties. (rld) (Entered: 01/26/2005)
01/26/2005		Discovery hearing held; Judge Robinson presiding; crt. rptr. V. Gunning present. (rld) (Entered: 01/26/2005)
02/01/2005	57	Steno Notes for 1/26/05 Discovery Hearing (fmt) (Entered: 02/01/2005)
02/01/2005	58	CERTIFICATE OF SERVICE by Riverstone Networks re discovery (fmt) (Entered: 02/01/2005)
02/03/2005	59	TRANSCRIPT filed [0-0] discovery hearing for dates of 1/26/05; Judge Robinson presiding; Court Rptr. V. Gunning (fmt) (Entered: 02/04/2005)
02/08/2005	60	CERTIFICATE OF SERVICE by Toshiba Corporation re supplemental responses to Juniper Networks, Inc.'s Interrog Nos. 3, 6-8, and 10 (fmt) (Entered: 02/08/2005)
02/14/2005	61	NOTICE OF SERVICE of 1) 2nd set of interrog. and 2) 3rd set of req. for prod. of doc. and things by Riverstone Networks,Inc..(rld,) (Entered: 02/15/2005)
02/28/2005	62	NOTICE to Take Deposition of Yasuhiro Katsube on 3/1/05 by Riverstone Networks,Inc..(fmt,) (Entered: 02/28/2005)
03/01/2005		Set/Reset Hearings: Discovery Conference set for 3/10/2005 04:30 PM in Courtroom 6B before Honorable Sue L. Robinson. (rld,) (Entered: 03/01/2005)
03/01/2005	63	Letter to Chief Judge Robinson from Julia Heaney regarding Reschedule discovery status conference. (Heaney, Julia) (Entered: 03/01/2005)
03/07/2005	64	MOTION for Pro Hac Vice Appearance of Attorney Thomas J. Fisher of Oblon, Spivak, McClelland, Maier & Neustadt, P.C. - filed by Toshiba Corporation. (Horwitz, Richard) (Entered: 03/07/2005)
03/07/2005	65	NOTICE to Take Deposition of Riverstone Networks, Inc. on March 15, 2005 a t 10:00 a.m. by Toshiba Corporation.(Horwitz, Richard) (Entered: 03/07/2005)
03/08/2005		SO ORDERED, re 64 MOTION for Pro Hac Vice Appearance of Attorney Thomas J. Fisher of Oblon, Spivak, McClelland, Maier & Neustadt, P.C. filed by Toshiba Corporation, . Signed by Judge Sue L. Robinson on 3/8/05. (rld,) (Entered: 03/08/2005)
03/08/2005	66	NOTICE to Take Deposition of Juniper Networks, Inc. on March 17, 2005 at 10:00 a.m. by Toshiba Corporation.(Horwitz, Richard) (Entered: 03/08/2005)
03/10/2005		Minute Entry for proceedings held before Judge Sue L. Robinson : Discovery Conference held on 3/10/2005. Scheduling order is modified; jury trial moved to 8/1/06; pretrial moved to 6/28/06; oral argument moved to 3/22/06; next discovery conf. set for 6/16/05. (Court Reporter Hawkins.) (rld,) (Entered: 03/10/2005)

		03/16/2005)
03/10/2005		Set/Reset Scheduling Order Deadlines: Per discovery conference held 3/10/05: Pretrial Conference set for 6/28/2006 04:30 PM in Courtroom 6B before Honorable Sue L. Robinson. Discovery Conference set for 6/16/2005 04:30 PM in Courtroom 6B before Honorable Sue L. Robinson. Oral Argument set for 3/22/2006 02:00 PM in Courtroom 6B before Honorable Sue L. Robinson. Jury Trial set for 8/1/2006 09:30 AM in Courtroom 6B before Honorable Sue L. Robinson. (SEE Transcript for details) (rld,) (Entered: 03/16/2005)
03/15/2005	<u>67</u>	NOTICE OF SERVICE of (1) Toshiba's Response to Riverstone's Second Set of Interrogatories; and (2) Toshiba's Response to Riverstone's Third Set of Requests for Production of Documents and Things (No. 69) re 61 Notice of Service by Toshiba Corporation. Related document: 61 Notice of Service filed by Riverstone Networks,Inc.,(Moore, David) (Entered: 03/15/2005)
03/18/2005	<u>68</u>	NOTICE OF SERVICE of Riverstone Networks, Inc 's Response to Toshiba Corporation's Interrogatory No. 3 by Riverstone Networks,Inc., Riverstone Networks,Inc., Riverstone Networks,Inc..Signed by Atty Julia Heaney (Graham, Mary) Modified on 3/21/2005 (fmt,) (Entered: 03/18/2005)
03/21/2005	<u>69</u>	NOTICE OF SERVICE of Second Supplemental Response to Toshiba Corp's First Set of Interrogatories (Nos. 1-10) by Juniper Networks,Inc.(Marsden, William) (Entered: 03/21/2005)
03/22/2005	70	TRANSCRIPT of Discovery Conference held on 3/10/05 before Judge Robinson. Court Reporter: Hawkins Reporting Service. (Transcript on file in Clerk's Office) (fmt,) (Entered: 03/22/2005)
03/23/2005	<u>71</u>	NOTICE OF SERVICE of Toshiba's 3rd Set of Requests for Production of Documents and Things (Nos. 70-84) to Defendant Juniper Networks, Inc.; Toshiba's 3rd Set of Requests for Production of Documents and Things (Nos. 66-80) to Defendant Riverstone Networks, Inc.; Toshiba's 4th Set of Interrogatories (Nos. 9-10) to Defendant Riverstone Networks, Inc.; and Toshiba's 4th Set of Interrogatories (Nos. 13-14) to Defendant Juniper Networks, Inc. by Toshiba Corporation.(Moore, David) (Entered: 03/23/2005)
03/23/2005	<u>72</u>	ORDER parties in this patent litigation shall not file motions in limine, parties shall be prepared to address their evid. issues at the pretrial conf. and during trial. Signed by Judge Sue L. Robinson on 3/23/05. (rld,) (Entered: 03/23/2005)
03/30/2005	<u>73</u>	NOTICE OF SERVICE of Def. Riverstone's First Notice of 30(b)(6) Deposition of Plaintiff Toshiba by Riverstone Networks,Inc., Riverstone Networks,Inc., Riverstone Networks,Inc. (Parrett, James) (Entered: 03/30/2005)
03/30/2005	<u>74</u>	NOTICE to Take Deposition of Toshiba Corporation on April 18, 2005 by Riverstone Networks,Inc., Riverstone Networks,Inc., Riverstone Networks,Inc.(Parrett, James) (Entered: 03/30/2005)
04/07/2005	<u>75</u>	NOTICE OF DEPOSITION of Hiroshi Esaki on April 13, 2005 by Riverstone Networks,Inc., Riverstone Networks,Inc., Riverstone Networks,Inc.(Parrett,

		James) Modified on 4/8/2005 (fmt,). (Entered: 04/07/2005)
04/11/2005	<u>76</u>	NOTICE OF SERVICE of Riverstone Networks, Inc.'s Second Supplemental Response to Toshiba Corporation's Interrogatory No. 4 re 23 Certificate of Service by Riverstone Networks, Inc.. Related document: 23 Certificate of Service filed by Toshiba Corporation, (Heaney, Julia) (Entered: 04/11/2005)
04/12/2005	<u>77</u>	NOTICE OF SERVICE of (1) Plaintiff Toshiba Corporation's Fourth Set of Requests for Production of Documents and Things (Nos. 85) to Defendant Juniper Networks, Inc.; and (2) Plaintiff Toshiba Corporation's Fourth Set of Requests for Production of Documents and Things (Nos. 81-82) to Defendant Riverstone Networks, Inc. by Toshiba Corporation.(Moore, David) (Entered: 04/12/2005)
04/13/2005	<u>78</u>	NOTICE OF SERVICE of Supplemental Response to Toshiba Corporation's First Set of Interrogatories (Nos. 1-10) by Juniper Networks, Inc..(Marsden, William) (Entered: 04/13/2005)
04/18/2005	<u>79</u>	ORDER Setting Mediation Conferences: The Mediation Conferences previously set for 5/12/2005 and 5/13/2005 at 10:00 AM shall go forward on 5/12/2005 at 10 AM between plaintiff and defendant Juniper ONLY in Courtroom 6C before Judge Thyng. The mediation scheduled for 5/13/2005 at 10:00 AM is canceled. Regarding mediation between plaintiff and defendant Riverstone, parties second in line for 6/24/2005 and 6/30/2005. Counsel to advise by 4/29/2005 if they are available for either date. Signed by Judge Mary Pat Thyng on 4/18/2005. (cab,) (Entered: 04/18/2005)
04/25/2005	<u>80</u>	NOTICE OF SERVICE of Riverstone Networks, Inc.'s Response To Toshiba Corporation's Fourth Set Of Interrogatories (Nos. 9-10) and Riverstone Networks, Inc.'s Response To Toshiba Corporation's Third Set Of Requests For Production Of Documents And Things (Nos. 66-80) by Riverstone Networks, Inc..(Graham, Mary) (Entered: 04/25/2005)
04/26/2005	<u>81</u>	NOTICE OF SERVICE of Toshiba 3d Set of Requests for Production of Documents (Nos. 70-84) and Toshiba's 4th Set of Interrogatories (Nos. 13-14) by Juniper Networks, Inc..(Marsden, William) (Entered: 04/26/2005)
05/03/2005		Set Deadlines/Hearings: Telephone Conference set for 5/4/2005 08:30 AM before Honorable Sue L. Robinson. (rld,) (Entered: 05/03/2005)
05/04/2005		Minute Entry for proceedings held before Judge Sue L. Robinson : Telephone Conference held on 5/4/2005 re discovery dispute. (Court Reporter V. Gunning.) (rld,) (Entered: 05/04/2005)
05/09/2005	<u>82</u>	ORDER Setting Mediation Conferences: Mediation Conference between plaintiff and defendant Riverstone Networks, Inc. ONLY has been set for 6/30/2005 10:00 AM in Courtroom 6C before Honorable Mary Pat Thyng. Signed by Judge Mary Pat Thyng on 5/9/2005. (cab,) (Entered: 05/09/2005)
05/09/2005	<u>83</u>	TRANSCRIPT of Telephone Conference held on 5/4/05 before Judge Robinson. Court Reporter: V. Gunning. (Transcript on file in Clerk's Office) (fmt,) (Entered: 05/09/2005)
05/17/2005	<u>84</u>	NOTICE OF SERVICE of Riverstone Networks, Inc.'s Response to Toshiba

		Corporation's Fourth Set of Requests for Production of Documents and Things (Nos. 81-82) by Riverstone Networks, Inc. (Schladweiler, Benjamin) (Entered: 05/17/2005)
06/06/2005	<u>85</u>	NOTICE OF SERVICE of Response to Toshiba's Fourth Set of Requests for Production (No. 85) by Juniper Networks, Inc. (Marsden, William) (Entered: 06/06/2005)
06/13/2005	<u>86</u>	NOTICE to Take Deposition of Defendant Riverstone Networks, Inc. on June 13, 2005 by Toshiba Corporation. (Moore, David) (Entered: 06/13/2005)
06/13/2005	<u>87</u>	NOTICE OF SERVICE of Plaintiff Toshiba Corporation's Supplemental Responses to Defendant Riverstone Networks, Inc.'s Interrogatory Nos. 1 and 8 by Toshiba Corporation. (Moore, David) (Entered: 06/13/2005)
06/14/2005	<u>88</u>	PROPOSED ORDER Stipulation and Proposed Amended Scheduling Order re 17 Proposed Order by Riverstone Networks, Inc. (Heaney, Julia) (Entered: 06/14/2005)
06/15/2005	<u>89</u>	SO ORDERED, re <u>88</u> Proposed Order filed by Riverstone Networks, Inc., ORDER, ReSetting Deadlines/Hearings previously set in the March 5, 2005 scheduling order: Amended Pleadings due by 7/15/2005. Claims Construction Answering Brief due by 2/2/2006. Claims Construction Opening Brief due by 1/12/2006. Discovery due by 11/10/2005. Joinder of Parties due by 7/15/2005. Daubert motions due 2/9/06. Dispositive Motions due by 1/19/2006, answering briefs due 2/9/06, reply briefs due 2/23/06. Signed by Judge Sue L. Robinson on 6/14/05. (rld,) (Entered: 06/15/2005)
06/17/2005		Minute Entry for proceedings held before Judge Sue L. Robinson : Discovery Conference held on 6/17/2005. (Court Reporter V. Gunning.) (rld,) (Entered: 06/17/2005)
06/21/2005	90	TRANSCRIPT of Discovery Conference held on 6/16/05 before Judge Robinson. Court Reporter: V. Gunning. (Transcript on file in Clerk's Office) (fmt,) (Entered: 06/21/2005)
06/21/2005	<u>91</u>	NOTICE OF SERVICE of Plaintiff Toshiba Corporation's Second Supplemental Response to Juniper Networks, Inc.'s Interrogatory No. 1 by Toshiba Corporation. (Moore, David) (Entered: 06/21/2005)
06/27/2005	92	NOTICE OF SERVICE of Plaintiff Toshiba Corporation's Supplemental Response to Defendant Riverstone Networks, Inc.'s Interrogatory No. 14 by Toshiba Corporation. (Moore, David) (Entered: 06/27/2005)
07/15/2005	<u>93</u>	MOTION for Leave to File <i>Amended Answer to Plaintiff Toshiba Corporation's Amended Complaint</i> - filed by Juniper Networks, Inc.. (Attachments: # 1 Exhibit A - C# 2 Text of Proposed Order) (Marsden, William) (Entered: 07/15/2005)
07/15/2005	<u>94</u>	OPENING BRIEF in Support re <u>93</u> MOTION for Leave to File <i>Amended Answer to Plaintiff Toshiba Corporation's Amended Complaint</i> filed by Juniper Networks, Inc.. Answering Brief/Response due date per Local Rules is 7/29/2005. (Marsden, William) (Entered: 07/15/2005)

07/20/2005	<u>95</u>	NOTICE to Take Deposition of Jeffrey Zhang on July 22, 2005 by Toshiba Corporation.(Horwitz, Richard) (Entered: 07/20/2005)
07/20/2005	<u>96</u>	NOTICE to Take Deposition of Ross Callon on August 18, 2005 by Toshiba Corporation.(Horwitz, Richard) (Entered: 07/20/2005)
07/20/2005	<u>97</u>	NOTICE to Take Deposition of Eric Peterson on July 21, 2005 by Toshiba Corporation.(Horwitz, Richard) (Entered: 07/20/2005)
07/21/2005	<u>98</u>	NOTICE to Take Deposition of Nischal Sheth on July 28, 2005 by Toshiba Corporation.(Horwitz, Richard) (Entered: 07/21/2005)
07/21/2005	<u>99</u>	NOTICE to Take Deposition of Der-Hwa Gan on July 29, 2005 by Toshiba Corporation.(Horwitz, Richard) (Entered: 07/21/2005)
07/26/2005	<u>100</u>	NOTICE OF SERVICE of Plaintiff Toshiba Corporation's Fifth Set of Interrogatories (No. 15) by Toshiba Corporation.(Moore, David) (Entered: 07/26/2005)
07/27/2005	<u>101</u>	STIPULATION and Order Granting Motion to Amend Answer re <u>93</u> MOTION for Leave to File <i>Amended Answer to Plaintiff Toshiba Corporation's Amended Complaint</i> by Toshiba Corporation, Juniper Networks,Inc.. (Marsden, William) (Entered: 07/27/2005)
07/27/2005	<u>102</u>	NOTICE OF SERVICE of Plaintiff Toshiba Corporation's Response to Juniper Networks, Inc.'s Second Set of Interrogatories (No. 11) by Toshiba Corporation.(Moore, David) (Entered: 07/27/2005)
07/28/2005	<u>103</u>	NOTICE to Take Deposition of Defendant Juniper Networks, Inc. on August 23, 2005 by Toshiba Corporation.(Moore, David) (Entered: 07/28/2005)
07/29/2005		SO ORDERED, re <u>93</u> MOTION for Leave to File <i>Amended Answer to Plaintiff Toshiba Corporation's Amended Complaint</i> filed by Juniper Networks,Inc.,, <u>101</u> Stipulation filed by Toshiba Corporation,, Juniper Networks,Inc.,. Signed by Judge Sue L. Robinson on 7/29/05. (rld,) (Entered: 07/29/2005)
07/29/2005		AMENDED ANSWER to the Amended Complaint and Additional Defenses by Juniper Networks,Inc. (TO VIEW THIS DOCUMENT SEE EXHIBIT A TO D.I. 93) (rld,) (Entered: 07/29/2005)
07/29/2005	<u>104</u>	NOTICE to Take Deposition of Toshiba Corporation [30(b)(6)] on August 29, 2005 by Juniper Networks,Inc..(Marsden, William) (Entered: 07/29/2005)
08/04/2005		Minute Entry for proceedings held before Judge Sue L. Robinson : Discovery Conference held on 8/4/2005. (Court Reporter V. Gunning.) (rld,) (Entered: 08/05/2005)
08/05/2005	<u>105</u>	TRANSCRIPT of Discovery Conference held on 8/4/05 before Judge Robinson. Court Reporter: V.Gunning. (Transcript on file in Clerk's Office) (fmt,) (Entered: 08/07/2005)
08/18/2005	<u>106</u>	NOTICE OF SERVICE of Toshiba Corporation's Sixth Set of Interrogatories (Nos. 16-23) to Defendant Juniper Networks, Inc. by Toshiba Corporation. (Moore, David) (Entered: 08/18/2005)

08/22/2005	<u>107</u>	NOTICE to Take Deposition of Defendant Juniper Networks, Inc. on September 19, 2005 by Toshiba Corporation.(Moore, David) (Entered: 08/22/2005)
08/23/2005		Set Deadlines/Hearings: Telephone Conference set for 8/30/2005 04:30 PM before Honorable Sue L. Robinson re bifurcation issue. (rld,) (Entered: 08/23/2005)
08/25/2005	<u>108</u>	NOTICE OF SERVICE of Response to Toshiba's Fifth Set of Interrogatories (No. 15) re <u>100</u> Notice of Service by Juniper Networks,Inc.. Related document: <u>100</u> Notice of Service filed by Toshiba Corporation,.(Marsden, William) (Entered: 08/25/2005)
08/25/2005	<u>109</u>	NOTICE OF SERVICE of Notice of Subpoena Duces Tecum on Solectron Corporation by Toshiba Corporation.(Moore, David) (Entered: 08/25/2005)
08/30/2005	<u>110</u>	NOTICE OF SERVICE of Fourth Set of Interrogatories to Toshiba Corporation (Nos. 14-15) by Juniper Networks,Inc..(Marsden, William) (Entered: 08/30/2005)
08/30/2005	<u>111</u>	MOTION for Pro Hac Vice Appearance of Attorney Ralph A. Phillips - filed by Juniper Networks,Inc.. (Marsden, William) (Entered: 08/30/2005)
08/30/2005		Minute Entry for proceedings held before Judge Sue L. Robinson : Telephone Conference held on 8/30/2005. Set in-person discovery conference for 9/12/05 at 3:00 p.m. (Court Reporter V. Gunning.) (rld,) (Entered: 08/31/2005)
08/31/2005		Set Deadlines/Hearings: Discovery Conference set for 9/12/2005 03:00 PM in Courtroom 6B before Honorable Sue L. Robinson. (rld,) (Entered: 08/31/2005)
08/31/2005	<u>112</u>	NOTICE OF SERVICE of Plaintiff Toshiba Corporation's First Set of Requests for Admission (Nos. 1-22) to Defendant Juniper Networks, Inc. by Toshiba Corporation.(Moore, David) (Entered: 08/31/2005)
08/31/2005	<u>113</u>	NOTICE OF SERVICE of Juniper Networks, Inc.'s Fifth Set Of Interrogatories To Toshiba Corporation (Nos. 16-22); (2) Juniper Networks, Inc.'s First Set Of Requests For Admission To Toshiba Corporation (Nos. 1-24); And (3) Juniper Networks, Inc.'s Second Set Of Requests For Production Of Documents And Things To Toshiba Corporation (Nos. 71-106) by Juniper Networks,Inc..(Marsden, William) (Entered: 08/31/2005)
09/01/2005	<u>114</u>	TRANSCRIPT of Telephone Conference held on 8/30/05 before Judge Robinson. Court Reporter: V. Gunning. (Transcript on file in Clerk's Office) (fmt,) (Entered: 09/01/2005)
09/02/2005	<u>115</u>	NOTICE to Take Deposition of Pam McNeil on September 26, 2005 by Toshiba Corporation.(Moore, David) (Entered: 09/02/2005)
09/02/2005	<u>116</u>	NOTICE to Take Deposition of Allen Lo on September 14, 2005 by Toshiba Corporation.(Moore, David) (Entered: 09/02/2005)
09/02/2005	<u>117</u>	NOTICE to Take Deposition of Gwen Stoddard on September 15, 2005 by Toshiba Corporation.(Moore, David) (Entered: 09/02/2005)

09/06/2005	<u>118</u>	NOTICE OF SERVICE of Objections of Plaintiff Toshiba Corporation to Defendant's Notice of Deposition of Plaintiff Toshiba Corporation Under Fed.R.Civ.P. 30(b)(6) re <u>104</u> Notice to Take Deposition by Toshiba Corporation. Related document: <u>104</u> Notice to Take Deposition filed by Juniper Networks,Inc.,(Moore, David) (Entered: 09/06/2005)
09/07/2005		SO ORDERED, re <u>111</u> MOTION for Pro Hac Vice Appearance of Attorney Ralph A. Phillips filed by Juniper Networks,Inc., . Signed by Judge Sue L. Robinson on 9/6/05. (rld,) (Entered: 09/07/2005)
09/09/2005	<u>119</u>	Letter to Judge Robinson from Richard L. Horwitz regarding the parties' letters on the issue of foreign damages. (Horwitz, Richard) (Entered: 09/09/2005)
09/09/2005	<u>120</u>	NOTICE OF SERVICE of Plaintiff Toshiba Corporation's Response to Defendant Juniper Network, Inc.'s Third Set of Interrogatories to Toshiba Corporation (Nos. 12-13) by Toshiba Corporation.(Moore, David) (Entered: 09/09/2005)
09/12/2005		Minute Entry for proceedings held before Judge Sue L. Robinson : Discovery Conference held on 9/12/2005. (Court Reporter V. Gunning.) (fmt,) (Entered: 09/12/2005)
09/14/2005	<u>121</u>	TRANSCRIPT of Discovery Conference held on 9/12/05 before Judge Robinson. Court Reporter: V. Gunning. (Transcript on file in Clerk's Office) (fmt,) (Entered: 09/14/2005)
09/14/2005	<u>122</u>	STIPULATION of Dismissal <i>With Respect to Defendant Riverstone</i> by Toshiba Corporation, Riverstone Networks,Inc.. (Graham, Mary) (Entered: 09/14/2005)
09/15/2005	<u>123</u>	NOTICE to Take Deposition of James J. Kulbaski on September 26, 2005 by Juniper Networks,Inc..(Marsden, William) (Entered: 09/15/2005)
09/15/2005	<u>124</u>	NOTICE to Take Deposition of Akio Saga on September 30, 2005 by Juniper Networks,Inc..(Marsden, William) (Entered: 09/15/2005)
09/15/2005	<u>125</u>	NOTICE to Take Deposition of Ken-Ichi Nagami on September 29, 2005 by Juniper Networks,Inc..(Marsden, William) (Entered: 09/15/2005)
09/16/2005		SO ORDERED, re <u>122</u> Stipulation of Dismissal With Respect To Defendant Riverstone Networks, Inc. . Signed by Judge Sue L. Robinson on 9/15/05. (fmt,) (Entered: 09/16/2005)
09/16/2005	<u>126</u>	NOTICE to Take Deposition of Mike Hatae on September 28, 2005 by Juniper Networks,Inc..(Marsden, William) (Entered: 09/16/2005)
09/19/2005	<u>127</u>	NOTICE to Take Deposition of Takeshi Saito on September 29, 2005 by Juniper Networks,Inc..(Marsden, William) (Entered: 09/19/2005)
09/20/2005	<u>128</u>	NOTICE OF SERVICE of Response to Toshiba Corp's 6th Set of Interrogatories (Nos 16-23) re <u>106</u> Notice of Service by Juniper Networks,Inc.. Related document: <u>106</u> Notice of Service filed by Toshiba Corporation,.(Marsden, William) (Entered: 09/20/2005)

09/26/2005	<u>129</u>	SEALED MOTION for Leave to File <i>Second Amended Answer</i> - filed by Juniper Networks,Inc.. (Horvath, John) (Entered: 09/26/2005)
09/26/2005	<u>130</u>	SEALED OPENING BRIEF in Support re <u>129</u> SEALED MOTION for Leave to File <i>Second Amended Answer</i> filed by Juniper Networks,Inc.. Answering Brief/Response due date per Local Rules is 10/11/2005. (Horvath, John) (Entered: 09/26/2005)
09/26/2005	<u>131</u>	MOTION for Pro Hac Vice Appearance of Attorney Jonathan Hudis - filed by Toshiba Corporation. (Horwitz, Richard) (Entered: 09/26/2005)
09/26/2005		Set Deadlines/Hearings: Discovery Conference set for 9/28/2005 03:00 PM in Courtroom 6B before Honorable Sue L. Robinson. (rld,) (Entered: 09/26/2005)
09/27/2005	<u>132</u>	NOTICE OF SERVICE of Supplemental Rule 26(a)(1) Disclosures by Juniper Networks,Inc..(Horvath, John) (Entered: 09/27/2005)
09/28/2005		Minute Entry for proceedings held before Judge Sue L. Robinson : Discovery Conference held on 9/28/2005. (Court Reporter V. Gunning.) (rld,) (Entered: 09/28/2005)
09/30/2005		SO ORDERED, re <u>131</u> MOTION for Pro Hac Vice Appearance of Attorney Jonathan Hudis filed by Toshiba Corporation. Signed by Judge Sue L. Robinson on 9/30/05. (rld,) (Entered: 09/30/2005)
09/30/2005	<u>134</u>	REDACTED VERSION of D.I. <u>129</u> MOTION for Leave to File <i>Second Amended Answer-PUBLIC VERSION</i> - filed by Juniper Networks,Inc.. (Attachments: # <u>1</u> Exhibit A-C)(Horvath, John) Modified on 10/3/2005 (fmt,). (Entered: 09/30/2005)
09/30/2005	<u>135</u>	REDACTED VERSION of <u>130</u> Opening Brief in Support of <i>its Motion for Leave to File a Second Amended Answer</i> by Juniper Networks,Inc.. (Horvath, John) (Entered: 09/30/2005)
09/30/2005	<u>136</u>	NOTICE OF SERVICE of Toshiba Corporation's Response to Juniper Networks, Inc.'s Fourth Set of Interrogatories (No. 14-15) by Toshiba Corporation.(Moore, David) (Entered: 09/30/2005)
09/30/2005	<u>137</u>	NOTICE OF SERVICE of (1) Plaintiff Toshiba Corporation's Response to Juniper Networks, Inc.'s Fifth Set of Interrogatories (No. 16-22); (2) Plaintiff Toshiba Corporation's Response to Juniper Networks, Inc.'s First Set of Requests For Admissions to Toshiba Corporation (Nos. 1-24); (3) Plaintiff Toshiba Corporation's Response to Juniper's Second Set of Requests for Production of Documents and Things to Toshiba Corporation (Nos. 71-106); and (4) Plaintiff Toshiba Corporation's Response to Juniper Networks, Inc.'s Interrogatories Nos. 1,11 and 12 by Toshiba Corporation.(Moore, David) (Entered: 09/30/2005)
10/03/2005		CORRECTING ENTRY: D.I. 133 was an incomplete redacted version of D.I. 129 and has been deleted from the docket; the text of D.I. 134 has been changed to reflect that it is the redacted version of D.I. 129 (fmt,) (Entered: 10/03/2005)

10/04/2005	<u>138</u>	TRANSCRIPT of Discovery Conference held on 9/28/05 before Judge Robinson. Court Reporter: V. Gunning. (Transcript on file in Clerk's Office) (fmt,) (Entered: 10/04/2005)
10/05/2005	<u>139</u>	NOTICE OF SERVICE of Supplemental Responses to Toshiba's 1st Set of Interrogatories (Nos. 1-10), 2nd Set of Interrogatories No. 11), 3rd Set of Interrogatories (No. 12), 4th Set of Interrogatories (Nos. 13-14), 5th Set of Interrogatories (No. 15), and 6th Set of Interrogatories (Nos. 16-23); and Response to Toshiba's 1st Set of Requests for Admission (Nos. 1-22); and Declaration of Sharon L. Matlock by Juniper Networks,Inc..(Marsden, William) (Entered: 10/05/2005)
10/07/2005	<u>140</u>	NOTICE OF SERVICE of Preliminary Identification of Claim Terms for Construction and Proposed Claim Constructions by Juniper Networks,Inc..(Marsden, William) (Entered: 10/07/2005)
10/11/2005	<u>141</u>	NOTICE OF SERVICE of Plaintiff Toshiba Corporation's Identification of Claim Terms and Proposed Constructions Pursuant to Paragraph 5 of the Stipulation and Amended Scheduling Order Entered June 14, 2005 re <u>88</u> Proposed Order by Toshiba Corporation. Related document: <u>88</u> Proposed Order filed by Riverstone Networks,Inc., (Moore, David) (Entered: 10/11/2005)
10/18/2005		SO ORDERED, re <u>129</u> SEALED MOTION for Leave to File <i>Second Amended Answer</i> filed by Juniper Networks,Inc., to view the Second Amended Answer see D.I. 129, Tab A. Signed by Judge Sue L. Robinson on 10/18/05. (rld,) (Entered: 10/18/2005)
10/18/2005		SEALED Second AMENDED ANSWER to the complaint by Juniper Networks,Inc. TO VIEW THIS DOCUMENT see (SEALED) D.I. 129, Tab A OR THE REDACTED VERSION, D.I. 134 Tab A, granted by the court on 10/18/05. (rld,) (Entered: 10/18/2005)
10/31/2005	<u>142</u>	NOTICE OF SERVICE of Plaintiff Toshiba Corporation's Supplemental Response to Juniper Networks, Inc.'s Interrogatory No. 19 by Toshiba Corporation.(Moore, David) (Entered: 10/31/2005)
11/04/2005	<u>143</u>	Discovery Dispute Resolution between Chief Judge Robinson and counsel dated November 2 and 3, 2005. (rld,) (Entered: 11/04/2005)
12/09/2005	<u>144</u>	NOTICE OF SERVICE of Rebuttal Expert Report of Joel M. Halpern by Toshiba Corporation.(Moore, David) (Entered: 12/09/2005)
12/14/2005	<u>145</u>	NOTICE OF SERVICE of Non-Infringement Expert Report of Roch Guerin, Ph.D. by Juniper Networks,Inc..(Marsden, William) (Entered: 12/14/2005)
12/20/2005	<u>146</u>	NOTICE OF SERVICE of Expert Report of G. Stephen Jizmagian, Ph.D., and Expert Report of Joel M. Halpern Concerning Market Conditions by Toshiba Corporation.(Moore, David) (Entered: 12/20/2005)
12/23/2005	<u>147</u>	PROPOSED ORDER Stipulation and Second Amended Scheduling Order re <u>89</u> SO ORDERED,,, Set Deadlines/Hearings,, by Toshiba Corporation, Juniper Networks,Inc.. (Marsden, William) (Entered: 12/23/2005)

12/30/2005		Counsel is hereby notified to view Chief Judge Robinson's website for the most recent version of the Scheduling Order for patent cases noting the revisions/additions to paragraphs numbered 7 and 8(c). (Visit www.ded.courts.gov following these links: Chambers of Chief Judge Robinson; Forms; Scheduling Orders; Patent.) (rld,) (Entered: 12/30/2005)
01/05/2006		SO ORDERED, re <u>147</u> Proposed Order filed by Toshiba Corporation,, Juniper Networks,Inc., ReSetting Scheduling Order Deadlines: Daubert motions due 3/2/06. Claims Construction Opening Brief due by 1/30/2006, answering briefs due 2/20/06. Expert Discovery due by 2/13/2006. Dispositive Motions due by 1/26/2006, answering briefs due 2/16/06, reply briefs due 3/2/06. Oral Argument re summary jgm. motions set for 3/22/2006 02:00 PM in Courtroom 6B before Honorable Sue L. Robinson. Jury Trial set for 8/15/2006 09:30 AM in Courtroom 6B before Honorable Sue L. Robinson. See order for details. All other provisions of the amended scheduling order of June 14, 2005 shall remain in effect. Signed by Judge Sue L. Robinson on 1/2/06. (rld,) (Entered: 01/05/2006)
01/26/2006	<u>148</u>	MOTION for Summary Judgment <i>re Unenforceability of Patent Nos 5,835,710, 6,343,322 and 6,598,080</i> - filed by Juniper Networks,Inc.. (Marsden, William) (Entered: 01/26/2006)
01/26/2006	<u>149</u>	SEALED OPENING BRIEF in Support re <u>148</u> MOTION for Summary Judgment <i>re Unenforceability of Patent Nos 5,835,710, 6,343,322 and 6,598,080</i> filed by Juniper Networks,Inc.. Answering Brief/Response due date per Local Rules is 2/9/2006. (Marsden, William) (Entered: 01/26/2006)
01/26/2006	<u>150</u>	SEALED DECLARATION re <u>149</u> Opening Brief in Support, <i>of William J. Marsden to Motion for Summary Judgment of Unenforceability</i> by Juniper Networks,Inc.. (Marsden, William) (Entered: 01/26/2006)
01/26/2006	<u>151</u>	SEALED DECLARATION re <u>149</u> Opening Brief in Support, <i>of Leonard J. Forys ISO of Motion for Summary Judgment re Unenforceability</i> by Juniper Networks,Inc.. (Marsden, William) (Entered: 01/26/2006)
01/26/2006	<u>152</u>	PROPOSED ORDER Motion for Summary Judgment re Unenforceability re <u>148</u> MOTION for Summary Judgment <i>re Unenforceability of Patent Nos 5,835,710, 6,343,322 and 6,598,080</i> by Juniper Networks,Inc.. (Marsden, William) (Entered: 01/26/2006)
01/26/2006	<u>153</u>	MOTION for Summary Judgment <i>for Partial Summary Judgment re Invalidity of '322 and '127 patents</i> - filed by Juniper Networks,Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Marsden, William) (Entered: 01/26/2006)
01/26/2006	<u>154</u>	OPENING BRIEF in Support re <u>153</u> MOTION for Summary Judgment <i>for Partial Summary Judgment re Invalidity of '322 and '127 patents</i> filed by Juniper Networks,Inc.. Answering Brief/Response due date per Local Rules is 2/9/2006. (Marsden, William) (Entered: 01/26/2006)
01/26/2006	<u>155</u>	DECLARATION re <u>154</u> Opening Brief in Support, <i>of William J. Marsden, Jr. ISO Mtn for Summary Judgment of Invalidity</i> by Juniper Networks,Inc.. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 1 cont & 2# <u>3</u> Exhibit 2 cont & 3) (Marsden, William) (Entered: 01/26/2006)

01/26/2006	<u>156</u>	(THIS MOTION HAS BEEN AMENDED - SEE D.I. 167. THE MOTION SHOULD BE DEFENDANT JUNIPER NETWORKS, INC.'S MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT OF U.S. PATENT NO 6,341,127)NOT THE MOTION for Summary Judgment <i>Partial of Noninfringement of '710, '322, '080 and Summary Judgment of Noninfringement of '127</i> - filed by Juniper Networks,Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Marsden, William) Modified on 2/6/2006 (fmt,). (Entered: 01/26/2006)
01/26/2006	<u>157</u>	SEALED OPENING BRIEF in Support re <u>156</u> (NOW D.I. <u>167</u>) DEFENDANT JUNIPER NETWORKS, INC.'S CORRECTED MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT OF U.S. PATENT NO 6,341,127 Answering Brief/Response due date per Local Rules is 2/9/2006. (Marsden, William) Modified on 2/6/2006 (fmt,). (Entered: 01/26/2006)
01/26/2006	<u>158</u>	SEALED DECLARATION re <u>157</u> (MOTION IS NOW D.I. <u>167</u>) DEFENDANT JUNIPER NETWORKS, INC.'S CORRECTED MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT OF U.S. PATENT NO 6,341,127 by Juniper Networks,Inc.. (Marsden, William) Modified on 2/6/2006 (fmt,). (Entered: 01/26/2006)
01/30/2006	<u>159</u>	CLAIM Construction Chart by Toshiba Corporation, Juniper Networks,Inc.. (Moore, David) (Entered: 01/30/2006)
01/30/2006	<u>160</u>	CLAIM CONSTRUCTION OPENING BRIEF filed by Toshiba Corporation. (Attachments: # <u>1</u> Exhibit A (part 1)# <u>2</u> Exhibit A (part 2)# <u>3</u> Exhibit A (part 3)# <u>4</u> Exhibit B (part 1)# <u>5</u> Exhibit B (part 2)# <u>6</u> Exhibit B (part 3)# <u>7</u> Exhibit C (part 1)# <u>8</u> Exhibit C (part 2)# <u>9</u> Exhibit C (part 3)# <u>10</u> Exhibit D# <u>11</u> Exhibit E-G)(Moore, David) (Entered: 01/30/2006)
01/30/2006	<u>161</u>	CLAIM CONSTRUCTION OPENING BRIEF filed by Juniper Networks,Inc.. (Marsden, William) (Entered: 01/30/2006)
01/30/2006	<u>162</u>	SEALED DECLARATION re <u>161</u> Claim Construction Opening Brief by Juniper Networks,Inc.. (Marsden, William) (Entered: 01/30/2006)
02/01/2006	<u>163</u>	MOTION for Pro Hac Vice Appearance of Attorney Scott A. McKeown of Oblon, Spivak, McClelland, Maier & Neustadt, P.C. - filed by Toshiba Corporation. (Moore, David) (Entered: 02/01/2006)
02/02/2006	<u>164</u>	REDACTED VERSION of <u>149</u> Opening Brief in Support, <i>re Unenforceability of '710, '322 and '080 patents</i> by Juniper Networks,Inc.. (Marsden, William) (Entered: 02/02/2006)
02/02/2006	<u>165</u>	REDACTED VERSION of <u>151</u> Declaration of <i>Leonard Forys In support of Junipers Motion for Partial Summary Judgment of Unenforceability</i> by Juniper Networks,Inc.. (Marsden, William) (Entered: 02/02/2006)
02/02/2006	<u>166</u>	REDACTED VERSION of <u>150</u> Declaration of <i>Marsden In Support of Juniper Opening Brief for Summary Judgment re Unenforceability</i> by Juniper Networks,Inc.. (Attachments: # <u>1</u> Exhibit)(Marsden, William) (Entered: 02/02/2006)

02/02/2006	<u>167</u>	AMENDED DOCUMENT by Juniper Networks,Inc.. Amendment to <u>156</u> MOTION for Summary Judgment <i>Partial of Noninfringement of '710, '322, '080 and Summary Judgment of Noninfringement of '127 to Correct it to read Motion for Summary Judgment of Noninfringement of U.S. Patent No 6,341,127.</i> (Attachments: # <u>1</u> Text of Proposed Order)(Marsden, William) (Entered: 02/02/2006)
02/08/2006	<u>168</u>	REDACTED VERSION of <u>157</u> Opening Brief in Support, of <i>Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 6,341,127</i> by Juniper Networks,Inc.. (Marsden, William) (Entered: 02/08/2006)
02/08/2006	<u>169</u>	REDACTED VERSION of <u>158</u> Declaration, of <i>William J. Marsden, Jr. in Support of Opening Brief in Support of Motion for Summary Judgment of Noninfringement of U.S. Patent No. 6,341,127</i> by Juniper Networks,Inc.. (Attachments: # <u>1</u> Exhibit 1-2# <u>2</u> Exhibit 3-10)(Marsden, William) (Entered: 02/08/2006)
02/09/2006		SO ORDERED, re <u>163</u> MOTION for Pro Hac Vice Appearance of Attorney Scott A. McKeown of Oblon, Spivak, McClelland, Maier & Neustadt, P.C. filed by Toshiba Corporation, . Signed by Judge Sue L. Robinson on 2/8/06. (rld,) (Entered: 02/09/2006)
02/16/2006	<u>170</u>	NOTICE OF SERVICE of Second Supplemental Expert Report of Leonard J. Forsys, Ph.D. by Juniper Networks,Inc..(Marsden, William) (Entered: 02/16/2006)
02/16/2006	<u>171</u>	ANSWERING BRIEF in Opposition re <u>153</u> MOTION for Summary Judgment for <i>Partial Summary Judgment re Invalidity of '322 and '127 patents [TOSHIBA'S OPPOSITION TO JUNIPER'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF INVALIDITY OF U.S. PATENT NO. 6,343,322 AND U.S. PATENT NO. 6,341,127]</i> filed by Toshiba Corporation.Reply Brief due date per Local Rules is 2/24/2006. (Attachments: # <u>1</u> Exhibit A-C) (Moore, David) (Entered: 02/16/2006)
02/16/2006	<u>172</u>	SEALED ANSWERING BRIEF in Opposition re <u>148</u> MOTION for Summary Judgment <i>re Unenforceability of Patent Nos 5,835,710, 6,343,322 and 6,598,080 [Plaintiff Toshiba Corporation's Opposition To Juniper Networks, Inc 's Motion For Summary Judgment Of Unenforceability Of U.S. Patent Nos 5,835,710, 6,343,322, and 6,598,080]</i> filed by Toshiba Corporation.Reply Brief due date per Local Rules is 2/24/2006. (Moore, David) Modified on 2/17/2006 (rld,). (Entered: 02/16/2006)
02/16/2006	<u>173</u>	SEALED ANSWERING BRIEF in Opposition re <u>156</u> MOTION for Summary Judgment <i>Partial of Noninfringement of '710, '322, '080 and Summary Judgment of Noninfringement of '127 (Responsive to D.I. 167 re amendment of D.I. 156)</i> filed by Toshiba Corporation.Reply Brief due date per Local Rules is 2/24/2006. (Moore, David) (Entered: 02/16/2006)
02/21/2006	<u>174</u>	SEALED CLAIM CONSTRUCTION ANSWERING BRIEF re <u>161</u> Claim Construction Opening Brief (<i>Plaintiff Toshiba Corporation's Answering Brief to Juniper Networks, Inc.'s Opening Brief Regarding Construction of Disputed Claim Terms</i>) filed by Toshiba Corporation. (Horwitz, Richard) (Entered: 02/21/2006)

02/21/2006	<u>175</u>	CLAIM CONSTRUCTION ANSWERING BRIEF re <u>160</u> Claim Construction Opening Brief, filed by Juniper Networks,Inc.. (Marsden, William) (Entered: 02/21/2006)
02/21/2006	<u>176</u>	DECLARATION re <u>175</u> Claim Construction Answering Brief of <i>William J. Marsden, Jr.</i> by Juniper Networks,Inc.. (Marsden, William) (Entered: 02/21/2006)
02/21/2006	<u>177</u>	DECLARATION re <u>175</u> Claim Construction Answering Brief of <i>Leonard Forys, Ph.D.</i> by Juniper Networks,Inc.. (Marsden, William) (Entered: 02/21/2006)
02/24/2006	<u>178</u>	REDACTED VERSION of <u>172</u> Answering Brief in Opposition, [<i>Plaintiff Toshiba Corporation's Opposition To Juniper Networks, Inc.'s Motion For Summary Judgment Of Unenforceability Of U.S. Patent Nos. 5,835,710, 6,343,322, and 6,598,080</i>] by Toshiba Corporation (Attachments: # <u>1</u> Exhibit A part 1# <u>2</u> Exhibit A part 2# <u>3</u> Exhibit A part 3# <u>4</u> Exhibit B# <u>5</u> Exhibit C# <u>6</u> Exhibit D part 1# <u>7</u> Exhibit D part 2# <u>8</u> Exhibit E)(Moore, David) (Entered: 02/24/2006)
02/24/2006	<u>179</u>	REDACTED VERSION of <u>173</u> Answering Brief in Opposition, [<i>PLAINTIFF TOSHIBA CORPORATION'S OPPOSITION TO JUNIPER NETWORKS, INC.'S MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT OF U.S. PATENT NO. 6,341,127</i>] by Toshiba Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Moore, David) (Entered: 02/24/2006)
02/27/2006	<u>180</u>	NOTICE of filing the following document(s) in paper format: Redacted Declaration of William J. Marsden, Jr. D.I. <u>162</u> In Support Of Juniper Networks, Inc.'s Opening Brief Regarding Construction of Disputed Claim Terms Volumes 1 and 2. Original document(s) on file in Clerk's Office. Notice filed by William J. Marsden, Jr on behalf of Juniper Networks,Inc. (Marsden, William) Modified on 2/27/2006 (rbe,). (Entered: 02/27/2006)
02/27/2006	<u>181</u>	REDACTED VERSION of <u>162</u> Declaration by Juniper Networks,Inc. VOLUME 1 of 2 (fmt,) FILED IN PAPER FORMAT ONLY IN THE CLERK'S OFFICE Additional attachment(s) added on 2/27/2006 (fmt,). Modified on 2/27/2006 (fmt,) (Entered: 02/27/2006)
02/27/2006	<u>182</u>	REDACTED VERSION of <u>162</u> Declaration by Juniper Networks,Inc. Volume 2 of 2; FILED IN PAPER FORMAT ONLY IN THE CLERK'S OFFICE (fmt,) (Entered: 02/27/2006)
02/28/2006	<u>183</u>	REDACTED VERSION of <u>174</u> Claim Construction Answering Brief, (<i>Plaintiff Toshiba Corporation's Answering Brief to Juniper Networks, Inc.'s Opening Brief Regarding Construction of Disputed Claim Terms</i>) by Toshiba Corporation. (Attachments: # <u>1</u> Exhibit A-D)(Moore, David) (Entered: 02/28/2006)
03/01/2006	<u>184</u>	PROPOSED ORDER Stipulated and Proposed Third Amended Scheduling Order re <u>88</u> Proposed Order, <u>147</u> Proposed Order by Toshiba Corporation. (Marsden, William) (Entered: 03/01/2006)
03/02/2006		SO ORDERED, re <u>184</u> Proposed Order filed by Toshiba Corporation, Daubert

		Motions due on 3/31/06 . Signed by Judge Sue L. Robinson on 3/2/06. (fmt,) (Entered: 03/02/2006)
03/02/2006	<u>185</u>	SEALED REPLY BRIEF re <u>148</u> MOTION for Summary Judgment <i>re Unenforceability of Patent Nos 5,835,710, 6,343,322 and 6,598,080</i> filed by Juniper Networks,Inc.. (Hayes, Sean) (Entered: 03/02/2006)
03/02/2006	<u>186</u>	DECLARATION re <u>185</u> Reply Brief <i>in Support of Motion for Summary Judgment of Unenforceability of U.S Patent Nos 5,835,710, 6,343,322, and 6,598,080</i> by Juniper Networks,Inc.. (Attachments: # <u>1</u> Exhibit 11-12)(Hayes, Sean) (Entered: 03/02/2006)
03/02/2006	<u>187</u>	REPLY BRIEF re <u>153</u> MOTION for Summary Judgment <i>for Partial Summary Judgment re Invalidity of '322 and '127 patents</i> filed by Juniper Networks,Inc.. (Hayes, Sean) (Entered: 03/02/2006)
03/02/2006	<u>188</u>	REPLY BRIEF re <u>156</u> MOTION for Summary Judgment <i>Partial of Noninfringement of '710, '322, '080 and Summary Judgment of Noninfringement of '127</i> filed by Juniper Networks,Inc.. (Hayes, Sean) (Entered: 03/02/2006)
03/03/2006	<u>189</u>	NOTICE OF SERVICE of Plaintiff Toshiba Corporation's Fact Witness List by Toshiba Corporation.(Moore, David) (Entered: 03/03/2006)
03/07/2006	<u>190</u>	Amended STATEMENT <i>re Joint Claim Construction</i> by Toshiba Corporation, Juniper Networks,Inc.. (Marsden, William) (Entered: 03/07/2006)
03/15/2006	<u>191</u>	REDACTED VERSION of <u>185</u> Reply Brief <i>In Support of Motion for Summary Judgment of Unenforceability of US Patent Nos 5,835,710, 6,343,322 and 6,598,080</i> by Juniper Networks,Inc.. (Hayes, Sean) (Entered: 03/15/2006)
03/16/2006	<u>192</u>	MOTION for Leave to File [<i>Toshiba's Motion for Leave to Submit a Reply to a New Declaration Submitted in Juniper's Answering Brief Regarding Construction of Disputed Claim Terms</i>] - filed by Toshiba Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Text of Proposed Order (Ex. B))(Moore, David) (Entered: 03/16/2006)
03/21/2006		ReSet Deadlines/Hearings: Oral Argument set for 3/30/2006 04:30 PM in Courtroom 6B before Honorable Sue L. Robinson. (rld,) (Entered: 03/21/2006)
03/22/2006		ReSet Deadlines/Hearings: Oral Argument set for 4/3/2006 10:00 AM in Courtroom 6B before Honorable Sue L. Robinson. (rld,) (Entered: 03/22/2006)
03/28/2006	<u>193</u>	ANSWERING BRIEF in Opposition re <u>192</u> MOTION for Leave to File [<i>Toshiba's Motion for Leave to Submit a Reply to a New Declaration Submitted in Juniper's Answering Brief Regarding Construction of Disputed Claim Terms</i>] filed by Juniper Networks,Inc..Reply Brief due date per Local Rules is 4/4/2006. (Marsden, William) (Entered: 03/28/2006)
03/31/2006	<u>194</u>	REPLY BRIEF re <u>192</u> MOTION for Leave to File [<i>Toshiba's Motion for</i>

		<i>Leave to Submit a Reply to a New Declaration Submitted in Juniper's Answering Brief Regarding Construction of Disputed Claim Terms]</i> filed by Toshiba Corporation. (Moore, David) (Entered: 03/31/2006)
03/31/2006	<u>195</u>	MOTION Motion to Limit the Testimony of Joel M. Halpern (Daubert) - filed by Juniper Networks,Inc.. (Hayes, Sean) (Entered: 03/31/2006)
03/31/2006	<u>196</u>	SEALED OPENING BRIEF in Support re <u>195</u> MOTION Motion to Limit the Testimony of Joel M. Halpern (Daubert) filed by Juniper Networks,Inc. Answering Brief/Response due date per Local Rules is 4/14/2006. (Hayes, Sean) (Entered: 03/31/2006)
03/31/2006	<u>197</u>	MOTION Pursuant to Fed.R.Civ.P. 37(c)(1) to Limit the Testimony of G. Stephen Jizmagian - filed by Juniper Networks,Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Hayes, Sean) (Entered: 03/31/2006)
03/31/2006	<u>198</u>	SEALED OPENING BRIEF in Support re <u>197</u> MOTION Pursuant to Fed.R.Civ.P. 37(c)(1) to Limit the Testimony of G. Stephen Jizmagian filed by Juniper Networks,Inc.. Answering Brief/Response due date per Local Rules is 4/14/2006. (Hayes, Sean) (Entered: 03/31/2006)
03/31/2006	<u>199</u>	SEALED DECLARATION re <u>196</u> Opening Brief in Support, <u>198</u> Opening Brief in Support of <i>Daubert Motion to Limit the Testimony of Joel M. Halpern and Motion Pursuant to Fed.R.Civ.P. 37(c)(1) to Limit the Testimony of G. Stephen Jizmagian</i> by Juniper Networks,Inc.. (Hayes, Sean) (Entered: 03/31/2006)
04/03/2006		Minute Entry for proceedings held before Judge Sue L. Robinson : Oral Argument held on 4/3/2006 re claim construction and summmary jgm. motions. (Court Reporter V. Gunning.) (rld,) (Entered: 04/04/2006)
04/07/2006	<u>200</u>	NOTICE OF SERVICE of Plaintiff Toshiba Corporation's Rebuttal Fact Witness List by Toshiba Corporation (Moore, David) (Entered: 04/07/2006)
04/11/2006	<u>201</u>	SEALED STATEMENT <i>PLAINTIFF TOSHIBA CORPORATION'S FURTHER EVIDENCE REGARDING THE APPROPRIATE CONSTRUCTION OF THE "VIRTUAL CONNECTION" CLAIM TERM</i> by Toshiba Corporation, Toshiba Corporation, Toshiba Corporation. (Moore, David) (Entered: 04/11/2006)
04/13/2006	<u>202</u>	REDACTED VERSION of <u>201</u> Statement <i>PLAINTIFF TOSHIBA CORPORATION'S FURTHER EVIDENCE REGARDING THE APPROPRIATE CONSTRUCTION OF THE "VIRTUAL CONNECTION" CLAIM TERM</i> by Toshiba Corporation. (Attachments: # <u>1</u> Exhibit A-E# <u>2</u> Exhibit F-H# <u>3</u> Exhibit I-K# <u>4</u> Exhibit L-N)(Moore, David) (Entered: 04/13/2006)
04/13/2006	<u>203</u>	REDACTED VERSION of <u>196</u> Opening Brief in Support <i>Juniper's Daubert Motion to Limit the Testimony of Joel Halpern</i> by Juniper Networks,Inc.. (Hayes, Sean) (Entered: 04/13/2006)
04/13/2006	<u>204</u>	REDACTED VERSION of <u>198</u> Opening Brief in Support <i>Juniper In Support of its Motion Pursuant to Fed. R. Civ. P. 37(c)(1) to limit the Testimony of Jizmagian</i> by Juniper Networks,Inc.. (Hayes, Sean) (Entered: 04/13/2006)

04/13/2006	<u>205</u>	REDACTED VERSION of <u>199</u> Declaration, of <i>Sean P. Hayes</i> by Juniper Networks,Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B & C)(Hayes, Sean) (Entered: 04/13/2006)
04/14/2006	<u>206</u>	ANSWERING BRIEF in Opposition re <u>197</u> MOTION Pursuant to Fed.R.Civ.P. 37(c)(1) to Limit the Testimony of G. Stephen Jizmagian [<i>TOSHIBA'S OPPOSITION TO JUNIPER'S MOTION PURSUANT TO FED. R. CIV. P. 37(c)(1) TO LIMIT DR JIZMAGIAN'S TESTIMONY</i>] filed by Toshiba Corporation.Reply Brief due date per Local Rules is 4/21/2006. (Moore, David) (Entered: 04/14/2006)
04/14/2006	<u>207</u>	ANSWERING BRIEF in Opposition re <u>195</u> MOTION Motion to Limit the Testimony of Joel M. Halpern (Daubert) [<i>TOSHIBA'S OPPOSITION TO JUNIPER'S DAUBERT MOTION TO LIMIT JOEL HALPERN'S TESTIMONY</i>] filed by Toshiba Corporation.Reply Brief due date per Local Rules is 4/21/2006. (Moore, David) (Entered: 04/14/2006)
04/21/2006	<u>208</u>	MOTION to Strike <i>Toshiba's Further Evidence Re: Appropriate Construction of "Virtual Connection" Claim Term</i> - filed by Juniper Networks,Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Marsden, William) (Entered: 04/21/2006)
04/21/2006	<u>209</u>	OPENING BRIEF in Support re <u>208</u> MOTION to Strike <i>Toshiba's Further Evidence Re: Appropriate Construction of "Virtual Connection" Claim Term</i> filed by Juniper Networks,Inc.. Answering Brief/Response due date per Local Rules is 5/5/2006. (Marsden, William) (Entered: 04/21/2006)
04/21/2006	<u>210</u>	REPLY BRIEF re <u>195</u> MOTION Motion to Limit the Testimony of Joel M. Halpern (Daubert) filed by Juniper Networks,Inc.. (Marsden, William) (Entered: 04/21/2006)
04/21/2006	<u>211</u>	REPLY BRIEF re <u>197</u> MOTION Pursuant to Fed.R.Civ.P. 37(c)(1) to Limit the Testimony of G. Stephen Jizmagian filed by Juniper Networks,Inc.. (Marsden, William) (Entered: 04/21/2006)
05/05/2006	<u>212</u>	ANSWERING BRIEF in Opposition re <u>208</u> MOTION to Strike <i>Toshiba's Further Evidence Re: Appropriate Construction of "Virtual Connection" Claim Term TOSHIBA'S OPPOSITION TO JUNIPER NETWORK INC 'S MOTION TO STRIKE PLAINTIFF TOSHIBA CORPORATION'S FURTHER EVIDENCE REGARDING THE APPROPRIATE CONSTRUCTION OF THE "VIRTUAL CONNECTION" CLAIM TERM</i> filed by Toshiba Corporation.Reply Brief due date per Local Rules is 5/12/2006. (Moore, David) (Entered: 05/05/2006)
05/11/2006	<u>213</u>	TRANSCRIPT of Oral Argument held on 4/3/06 before Judge Robinson. Court Reporter: V. Gunning. (Transcript on file in Clerk's Office) (fmt,) (Entered: 05/11/2006)
05/12/2006	<u>214</u>	REPLY BRIEF re <u>208</u> MOTION to Strike <i>Toshiba's Further Evidence Re: Appropriate Construction of "Virtual Connection" Claim Term</i> filed by Juniper Networks,Inc.. (Marsden, William) (Entered: 05/12/2006)
05/17/2006	<u>215</u>	Discovery dispute resolution between counsel and Chief Judge Robinson

		dated 5/10/06 - 5/17/06. (rld,) (Entered: 05/17/2006)
05/24/2006	<u>216</u>	MOTION to Bifurcate <i>Trial on the issues of damages and willfulness from trial on liability issues</i> - filed by Juniper Networks,Inc.. (Marsden, William) (Entered: 05/24/2006)
05/24/2006	<u>217</u>	OPENING BRIEF in Support re <u>216</u> MOTION to Bifurcate <i>Trial on the issues of damages and willfulness from trial on liability issues</i> filed by Juniper Networks,Inc..Answering Brief/Response due date per Local Rules is 6/8/2006. (Marsden, William) (Entered: 05/24/2006)
05/24/2006	<u>218</u>	SEALED DECLARATION re <u>216</u> MOTION to Bifurcate <i>Trial on the issues of damages and willfulness from trial on liability issues of William J Marsden, Jr.</i> by Juniper Networks,Inc.. (Marsden, William) (Entered: 05/24/2006)
05/30/2006	<u>219</u>	REDACTED VERSION of <u>218</u> Declaration of William Marsden to Motion to Bifurcate <i>Trial on issues of damages and willfulness from trial on liability issues</i> by Juniper Networks,Inc.. (Attachments: # <u>1</u> Exhibit 1-15 with 2 & 14 redacted)(Marsden, William) (Entered: 05/30/2006)
06/08/2006	<u>220</u>	ANSWERING BRIEF in Opposition re <u>216</u> MOTION to Bifurcate <i>Trial on the issues of damages and willfulness from trial on liability issues</i> filed by Toshiba Corporation.Reply Brief due date per Local Rules is 6/15/2006. (Attachments: # <u>1</u> Exhibit A-J# <u>2</u> Exhibit K-U)(Moore, David) (Entered: 06/08/2006)
06/15/2006	<u>221</u>	REPLY BRIEF re <u>216</u> MOTION to Bifurcate <i>Trial on the issues of damages and willfulness from trial on liability issues</i> filed by Juniper Networks,Inc.. (Hayes, Sean) (Entered: 06/15/2006)
06/15/2006	<u>222</u>	SEALED DECLARATION in Support of Reply Brief in Support of Motion to Biefurcate <i>Trial on the Issues of Damages and Willfulnes From Trial on Liability Issues D.I. 221</i> by Juniper Networks,Inc.. (Hayes, Sean) Modified on 6/16/2006 (fmt,). Modified on 6/16/2006 (fmt,). (Entered: 06/15/2006)
06/16/2006		CORRECTING ENTRY: D.I. 222 has been linked to D.I. 221 (fmt,) (Entered: 06/16/2006)
06/23/2006	<u>223</u>	Proposed Pretrial Order (<i>JOINT</i>) by Toshiba Corporation. (Attachments: # <u>1</u> Exhibit 1-5# <u>2</u> Exhibit 6# <u>3</u> Exhibit 7 Part 1# <u>4</u> Exhibit 7 Part 2# <u>5</u> Exhibit 8-15)(Moore, David) (Entered: 06/23/2006)
06/23/2006	<u>224</u>	Joint Proposed Jury Instructions by Toshiba Corporation. (Moore, David) Modified on 6/26/2006 (fmt,). (Entered: 06/23/2006)
06/23/2006	<u>225</u>	Proposed Voir Dire by Juniper Networks,Inc.. (Horvath, John) (Entered: 06/23/2006)
06/23/2006	<u>226</u>	VERDICT SHEET by Juniper Networks,Inc.. (Horvath, John) (Entered: 06/23/2006)
06/23/2006	<u>227</u>	Joint Proposed Final Jury Instructions by Toshiba Corporation. (Moore, David) Modified on 6/26/2006 (fmt,). (Entered: 06/23/2006)

06/23/2006	<u>228</u>	Proposed Voir Dire by Toshiba Corporation. (Moore, David) (Entered: 06/23/2006)
06/23/2006	<u>229</u>	VERDICT SHEET by Toshiba Corporation. (Moore, David) (Entered: 06/23/2006)
06/26/2006	<u>230</u>	Letter to The Honorable Sue L. Robinson from David E. Moore regarding Jury Documents in triplicate with diskette - re <u>227</u> Proposed Jury Instructions, <u>228</u> Proposed Voir Dire, <u>229</u> Verdict Sheet, <u>224</u> Proposed Jury Instructions. (Moore, David) (Entered: 06/26/2006)
06/28/2006	<u>231</u>	REDACTED VERSION of <u>222</u> Declaration, of <i>Sean P. Hayes</i> by Juniper Networks, Inc.. (Attachments: # <u>1</u> Exhibit Redacted Exhibit A)(Hayes, Sean) (Entered: 06/28/2006)
06/28/2006	<u>232</u>	MEMORANDUM OPINION. Signed by Judge Sue L. Robinson on 6/28/06. (rld,) (Entered: 06/28/2006)
06/28/2006	<u>233</u>	ORDER denying <u>153</u> Motion for Summary Judgment . Signed by Judge Sue L. Robinson on 6/28/06. (rld,) (Entered: 06/28/2006)
06/28/2006	<u>234</u>	ORDER granting <u>216</u> Motion to Bifurcate . Signed by Judge Sue L. Robinson on 6/28/06. (rld,) (Entered: 06/28/2006)
06/28/2006	<u>235</u>	MEMORANDUM AND ORDER re disputed claim language in U.S. Patent Nos. '710, '127, '322, 'and '080. Signed by Judge Sue L. Robinson on 6/28/06. (rld,) (Entered: 06/28/2006)
06/28/2006		Minute Entry for proceedings held before Judge Sue L. Robinson : Pretrial Conference held on 6/28/2006; parties requested pretrial conference be postponed; D.I. 192 denied as moot; D.I. 195, 197 denied without prejudice to renew; pretrial conference rescheduled to July 20, 2006 at 2:00 P.M. (Court Reporter V. Gunning.) (rld,) (Entered: 06/29/2006)
06/29/2006		ReSet Deadlines/Hearings: Pretrial Conference reset for 7/20/2006 02:00 PM in Courtroom 6B before Honorable Sue L. Robinson (reset in court on June 28, 2006, SEE Transcript for details). (rld,) (Entered: 06/29/2006)
06/30/2006	<u>236</u>	TRANSCRIPT of Pretrial Conference held on 6/28/06 before Judge Robinson. Court Reporter: V. Gunning. (Transcript on file in Clerk's Office) (fmt,) (Entered: 07/10/2006)
07/17/2006	<u>237</u>	Letter to The Honorable Sue L. Robinson from Richard L. Horwitz regarding request to remove pretrial conference and trial from the Court's calendar. (Moore, David) (Entered: 07/17/2006)
07/31/2006		Set Deadlines/Hearings: Telephone Conference set for 8/1/2006 11:00 AM before Honorable Sue L. Robinson. (rld,) (Entered: 07/31/2006)
07/31/2006	<u>238</u>	ORDER denying without prejudice to renew pending outcome of any appeal: <u>148</u> Motion for Summary Judgment and <u>208</u> Motion to Strike . Signed by Judge Sue L. Robinson on 7/31/06. (rld,) (Entered: 07/31/2006)
08/01/2006		Minute Entry for proceedings held before Judge Sue L. Robinson : Telephone Conference held on 8/1/2006. (Court Reporter V. Gunning.) (rld,) (Entered: 08/01/2006)

		08/02/2006)
08/04/2006	<u>239</u>	Letter to The Honorable Sue L. Robinson from David E. Moore regarding August 1, 2006 teleconference (Proposed Stipulations and Final Judgments). (Attachments: # <u>1</u> Exhibit A-D)(Moore, David) (Entered: 08/04/2006)
08/14/2006	<u>240</u>	Letter to R. Horwitz and W. Marsden from Judge Sue L. Robinson regarding stipulation of non-infringement and order of jgm. to be submitted by cnsl. for Toshiba for the court's signature. (rld,) (Entered: 08/14/2006)
08/17/2006	<u>241</u>	TRANSCRIPT of Telephone Conference held on 8/1/06 before Judge Robinson. Court Reporter: V. Gunning. (Transcript on file in Clerk's Office) (fmt,) (Entered: 08/18/2006)
08/25/2006	<u>242</u>	Letter to The Honorable Sue L. Robinson from David E. Moore regarding submission of stipulation and final judgment. (Moore, David) (Entered: 08/25/2006)
08/25/2006	<u>243</u>	STIPULATION of Non-Infringement re <u>242</u> Letter by Juniper Networks,Inc.. (Attachments: # <u>1</u> Text of Proposed Order (Final Judgment Order))(Moore, David) (Entered: 08/25/2006)
08/31/2006	<u>244</u>	SO ORDERED, re <u>243</u> Stipulation of NON-INFRINGEMENT filed by Juniper Networks,Inc. Signed by Judge Sue L. Robinson on 8/30/06. (rld,) (Entered: 08/31/2006)
08/31/2006	<u>245</u>	JUDGMENT in favor of deflt. Juniper Networks, Inc. and against pltf. Toshiba Corporation (CASE CLOSED). Signed by Judge Sue L. Robinson on 8/30/06. (rld,) (Entered: 08/31/2006)
08/31/2006	<u>246</u>	NOTICE OF APPEAL to the Federal Circuit of <u>245</u> Judgment and <u>235</u> . Appeal filed by Toshiba Corporation, Toshiba Corporation, Toshiba Corporation. (Moore, David) Modified on 8/31/2006 (fmt,). (Entered: 08/31/2006)
08/31/2006		USCA Appeal Fees received: \$ 455, receipt number 144585 re <u>246</u> Notice of Appeal (Federal Circuit) filed by Toshiba Corporation. (Fed Circuit TPO issued) (ew) (Entered: 08/31/2006)
09/01/2006		Notice of Appeal and Docket Sheet to US Court of Appeals for the Federal Circuit re <u>246</u> Notice of Appeal (Federal Circuit) (HR,) (Entered: 09/01/2006)
09/01/2006		Notification regarding <u>246</u> Notice of Appeal (Federal Circuit) sent to Reporter Gunning (HR,) (Entered: 09/01/2006)
09/06/2006	<u>247</u>	TRANSCRIPT REQUEST by Toshiba Corporation - Transcripts already on file re <u>246</u> Notice of Appeal (Federal Circuit) (Moore, David) (Entered: 09/06/2006)
09/11/2006	<u>248</u>	NOTICE of Docketing Record on Appeal from USCA for the Federal Circuit re <u>246</u> Notice of Appeal (Federal Circuit) filed by Toshiba Corporation,. USCA Case Number 2006-1612 (fmt,) (Entered: 09/11/2006)
09/13/2006	<u>249</u>	Report to the Commissioner of Patents and Trademarks for Patent/Trademark

		Number(s) 6,343,322; 6,341,127; 6,304,577; 6,147,989; (Attachments: # <u>1</u> Stipulation of Non-Fringement# <u>2</u> Final Judgment) (rld,) (Entered: 09/13/2006)
09/14/2007	<u>250</u>	STIPULATION of Dismissal [<i>STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE</i>] by Toshiba Corporation. (Moore, David) (Entered: 09/14/2007)
09/21/2007		SO ORDERED, re <u>250</u> Stipulation of Dismissal filed by Toshiba Corporation. Signed by Judge Sue L. Robinson on 9/19/07. (rlp) (Entered: 09/21/2007)
10/03/2007	<u>251</u>	OPINION of USCA for the Federal Circuit as to <u>246</u> Notice of Appeal (Federal Circuit) filed by Toshiba Corporation. USCA Decision: AFFIRMED. (fmt) (Entered: 10/05/2007)
10/03/2007	<u>252</u>	JUDGMENT of USCA as to <u>246</u> Notice of Appeal (Federal Circuit) filed by Toshiba Corporation. USCA Decision: AFFIRMED. (fmt) (Entered: 10/05/2007)
10/01/2008	<u>253</u>	ORDER (including procedural letter and docket sheet), directing the return of sealed documents to the parties. Signed by Judge Sue L. Robinson on 10/1/08. (Attachments: # <u>1</u> Procedural letter, # <u>2</u> Annotated docket)(dzs,) (Entered: 10/02/2008)
10/09/2008	<u>254</u>	ACKNOWLEDGMENT OF RECEIPT of the following sealed documents, signed on behalf of William J. Marsden, Jr. : D.I. # 129, 130, 149-151, 157, 158, 162, 185, 196, 198, 199, 218, and 222. (dzs,) (Entered: 10/16/2008)
10/15/2008	<u>255</u>	ACKNOWLEDGMENT OF RECEIPT of the following sealed documents, signed on behalf of David Ellis Moore : D.I. # 172-174 and 201. (dzs,) (Entered: 10/17/2008)

PACER Service Center			
Transaction Receipt			
01/26/2009 10:16:08			
PACER Login:	t10693	Client Code:	147366
Description:	Docket Report	Search Criteria:	1:03-cv-01035-SLR Start date: 1/1/1970 End date: 1/26/2009
Billable Pages:	18	Cost:	1.44

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TOSHIBA CORPORATION)
)
 Plaintiff,)
 v)
) Civil Action No. 03 - 1035
)
 JUNIPER NETWORKS, INC. and)
 RIVERSTONE NETWORKS, INC.,)
)
 Defendants.)

COMPLAINT FOR PATENT INFRINGEMENT

Subject Matter Jurisdiction

1. This is an action for patent infringement pursuant to 35 U.S.C. §281. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1338(a).

Parties

2. Plaintiff Toshiba Corporation ("Toshiba") is a Japanese corporation with a principal place of business in Tokyo, Japan.

3. Defendant Juniper Networks, Inc. ("Juniper") is a Delaware corporation with a principal place of business in Sunnyvale, California.

4. Defendant Riverstone Networks, Inc. ("Riverstone") is a Delaware corporation with a principal place of business in Santa Clara, California.

The Patents in Suit

5. Plaintiff Toshiba owns United States patent 6,343,322 ("the '322 patent") entitled IP OVER ATM SYSTEM USING CONTROL MESSAGES TO SET UP CUT-THROUGH PATHS OR BYPASS PIPES IN ROUTERS to Nagami et al. issued on January 29, 2002. Pursuant to Local Rule 3.2, the '322 patent is appended hereto as Exhibit A.

6. Plaintiff Toshiba also owns United States patent 6,341,127 (“the ‘127 patent”) entitled NODE DEVICE AND METHOD FOR CONTROLLING LABEL SWITCHING PATH SET UP IN INTER-CONNECTED NETWORKS to Katsube et al. issued on January 22, 2002. Pursuant to Local Rule 3.2, the ‘127 patent is appended hereto as Exhibit B.

7. Plaintiff Toshiba also owns United States patent 6,304,577 (“the ‘577 patent”) entitled NODE APPARATUS AND METHOD OF USING A VIRTUAL CONNECTION TO TRANSMIT A PACKET to Nagami et al. issued on October 16, 2001. Pursuant to Local Rule 3.2, the ‘577 patent is appended hereto as Exhibit C.

8. Plaintiff Toshiba also owns United States patent 6,147,989 (“the ‘989 patent”) entitled ATM COMMUNICATION SYSTEM WITH HIGH SPEED CONNECTION-LESS SERVICE FUNCTION to Esaki et al. issued on November 14, 2000. Pursuant to Local Rule 3.2, the ‘989 patent is appended hereto as Exhibit D.

Allegations of Infringement

9. Defendant Juniper infringes the ‘322, ‘127, ‘577 and ‘989 patents by making, using, offering for sale and selling, at the least, certain network routing devices.

10. Plaintiff Toshiba has given defendant Juniper written notice of its infringement.

11. On information and belief, the infringement by defendant Juniper has been willful.

12. Defendant Riverstone infringes the ‘322, ‘577 and ‘989 patents and may infringe the ‘127 patent by making, using, offering for sale and selling, at the least, certain network routing devices.

13: Plaintiff Toshiba has given defendant Riverstone written notice of its infringement.

14. On information and belief, the infringement by defendant Riverstone has been willful.

15. Plaintiff Toshiba has been damaged by such infringement by defendants Juniper and Riverstone and will continue to be damaged by such infringement unless enjoined by the Court.

Request for Relief

WHEREFORE, plaintiff Toshiba requests with respect to defendants Juniper and Riverstone:

- a. an injunction against continued infringement (35 U.S.C. § 283),
- b. its damages for past infringement (35 U.S.C. § 284),
- c. increased and treble damages for willful infringement (35 U.S.C. § 284),
- d. its attorney fees (35 U.S.C. § 285),
- e. its costs (rule 54(d), Fed. R. Civ. P.) and
- f. any other relief appropriate under the circumstances.

OF COUNSEL:

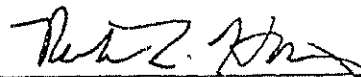
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Dated: November 13, 2003
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ORIGINAL 10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TOSHIBA CORPORATION)
)
 Plaintiff,)
 v.)
)
 JUNIPER NETWORKS, INC. and)
 RIVERSTONE NETWORKS, INC.)
)
 Defendants;)
)

C.A. No. 03-1035 (SLR)

RIVERSTONE NETWORKS, INC.'S ANSWER AND COUNTERCLAIMS

Defendant Riverstone Networks, Inc. ("Riverstone") hereby answers the Complaint of Plaintiff Toshiba Corporation ("Toshiba") and counterclaims as follows.

Subject Matter Jurisdiction

1. Riverstone admits that the Complaint purports to state an action for patent infringement pursuant to 35 U.S.C. § 281. Riverstone admits that this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338(a). To the extent these allegations are asserted against Juniper Networks, Inc. ("Juniper"), no response is required of Riverstone.

Parties

2. Riverstone is without knowledge or information sufficient to form a belief as to the truth of the allegations and thus denies them.

3. Riverstone is without knowledge or information sufficient to form a belief as to the truth of the allegations and thus denies them.

4. Admitted.

The Patents-in-Suit

5. Admitted that U.S. Patent No. 6,343,322 (the "'322 Patent") entitled "IP Over ATM System Using Control Messages To Set Up Cut-Through Paths Or Bypass Pipes In

Routers” to Nagami et al. on its face states that it issued on January 29, 2002 and that a copy of the ‘322 Patent appears to be attached to the Complaint as Exhibit A. Riverstone is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations and thus denies them.

6. Admitted that U.S. Patent No. 6,341,127 (the “‘127 Patent”) entitled “Node Device And Method For Controlling Label Switching Path Set Up In Inter-Connected Networks” to Katsube et al. on its face states that it issued on January 22, 2002 and that a copy of the ‘127 Patent appears to be attached to the Complaint as Exhibit B. Riverstone is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations and thus denies them.

7. Admitted that U.S. Patent No. 6,304,577 (the “‘577 Patent”) entitled “Node Apparatus and Method Of Using A Virtual Connection To Transmit A Packet” to Nagami et al. on its face states that it issued on October 16, 2001 and that a copy of the ‘577 Patent appears to be attached to the Complaint as Exhibit C. Riverstone is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations and thus denies them.

8. Admitted that U.S. Patent No. 6,147,989 (the “‘989 Patent”) entitled “ATM Communication System With High Speed Connection-Less Service Function” to Esaki et al. on its face states that it issued on November 14, 2000 and that a copy of the ‘989 Patent appears to be attached to the Complaint as Exhibit D. Riverstone is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations and thus denies them.

Allegations of Infringement

9-11. The allegations of these paragraphs are asserted against Juniper and thus no response is required of Riverstone.

12. Denied. To the extent that Toshiba alleges Riverstone “may infringe the

'127 patent," and to the extent Toshiba alleges "certain network routing devices" infringe, Toshiba fails to state a claim upon which relief can be granted and no response is required.

13. Admitted as to the '322 Patent and the '989 Patent. Denied as to the '127 Patent and the '577 Patent.

14. Denied.

15. Denied with respect to the allegations against Riverstone. To the extent the allegations are asserted against Juniper, no response is required of Riverstone.

ADDITIONAL DEFENSES

First Defense

(Failure to State a Claim for Relief)

16. Toshiba has failed to state a claim upon which relief can be granted.

Second Defense

(No Infringement)

17. Riverstone has not infringed any claim of the '322 Patent, the '577 Patent, the '989 Patent, or the '127 Patent ("the Patents-In-Suit").

Third Defense

(Invalidity)

18. The Patents-In-Suit are invalid for failure to comply with one or more of the statutory requirements of the Patent Laws of the United States, including without limitation 35 U.S.C. §§ 101, 102, 103 and 112.

COUNTERCLAIMS

Riverstone counterclaims against Toshiba as follows:

19. These counterclaims arise under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, and 28 U.S.C. § 2201, *et seq.*

20. Jurisdiction in this district is proper under 28 U.S.C. §§ 1331, 1338, 2201 and 2202, and Federal Rule of Civil Procedure 13.

21. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b) and (c).

22. Riverstone Networks, Inc. ("Riverstone") is a Delaware corporation with a principal place of business in Santa Clara, California.

23. Toshiba Corporation ("Toshiba") alleges that it is a Japanese corporation with a principal place of business in Tokyo, Japan.

24. Toshiba alleges that it owns the '322 Patent, the '577 Patent, the '989 Patent, and the '127 Patent ("the Patents-In-Suit").

25. Riverstone refers to and incorporates by reference as if fully set forth herein paragraphs 1-18.

26. Riverstone has manufactured, used, offered for sale, or sold devices, and continues to manufacture, use, offer for sale, or sell devices, that Toshiba alleges infringe or may infringe the Patents-In-Suit.

27. The claims of the Patents-In-Suit are not infringed by any device manufactured, used, offered for sale, or sold by Riverstone.

28. The Patents-In-Suit are invalid for failure to comply with one or more of the statutory requirements of the Patent Laws of the United States, including without limitation 35 U.S.C. §§ 101, 102, 103, and 112, and for the reasons stated above in paragraphs 16-18.

29. An actual, justifiable controversy exists between Riverstone and Toshiba as to whether any of Riverstone's devices infringe any valid claim of the Patents-In-Suit.

30. Riverstone has no adequate remedy at law.

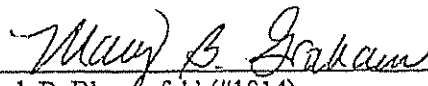
PRAYER FOR RELIEF

WHEREFORE Riverstone prays that the Court grant the following relief:

- A. Dismissal of the complaint with prejudice;
- B. A declaration that Riverstone has not infringed any claim of the Patents-In-Suit;

- C. A declaration that the Patents-In-Suit are invalid;
- D. A preliminary and permanent injunction enjoining Toshiba, its officers, directors, agents, servants, employees, attorneys and those persons acting in concert with them, from asserting infringement of the Patents-In-Suit against Riverstone;
- E. A declaration that this case is exceptional and an award to Riverstone of its costs, expenses, and attorneys' fees incurred in this action; and
- F. Such other and further relief as this Court deems just and proper.

MORRIS, NICHOLS, ARSHT & TUNNELL



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OF COUNSEL:

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Date: February 2, 2004

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the foregoing were caused to be served on February 2, 2004 upon the following individuals:

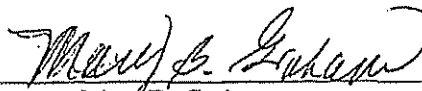
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13

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TOSHIBA CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 03-CV-1035 (SLR)
)	
JUNIPER NETWORKS, INC. and)	
RIVERSTONE NETWORKS, INC.)	
)	
Defendants.)	

TOSHIBA'S REPLY TO RIVERSTONE'S COUNTERCLAIMS

Plaintiff Toshiba Corporation ("Toshiba") responds as follows to the counterclaims of defendant Riverstone Networks, Inc. ("Riverstone") with paragraph numbers corresponding to paragraph numbers of Riverstone's counterclaims.

- 1. No response required.
- 2. No response required.
- 3. No response required.
- 4. No response required.
- 5. No response required.
- 6. No response required.
- 7. No response required.
- 8. No response required.
- 9. No response required.
- 10. No response required.
- 11. No response required.
- 12. Denied.

13. No response required.
14. No response required.
15. No response required.
16. Denied.
17. Denied.
18. Denied.
19. Toshiba does not dispute subject matter jurisdiction.
20. Toshiba does not dispute personal jurisdiction with respect to Riverstone's counterclaims.
21. Toshiba does not dispute venue with respect to Riverstone's counterclaims.
22. Admitted.
23. Admitted.
24. Admitted.
25. See responses to paragraphs 1-18.
26. Admitted.
27. Denied.
28. Denied.
29. Toshiba admits that it has asserted infringement and that Riverstone has denied infringement and asserted invalidity.
30. Riverstone is not entitled to any legal or equitable remedy.

WHEREFORE, plaintiff Toshiba requests:

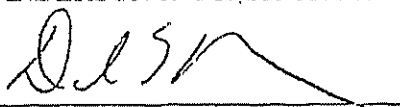
- a. an injunction against continued infringement (35 U.S.C. § 283),
- b. its damages for past infringement (35 U.S.C. § 284),
- c. increased and treble damages for willful infringement (35 U.S.C. § 284),
- d. its attorney fees (35 U.S.C. § 285),
- e. its costs (rule 54(d), Fed. R. Civ. P.) and
- f. any other relief appropriate under the circumstances.

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Dated: February 23, 2004

Attorneys for Plaintiff

623031

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on February 23, 2004, a true and correct copy of the within document was caused to be served on the attorney of record at the following addresses as indicated:

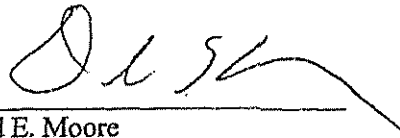
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David E. Moore

ADRMOP, AO279, CLOSED, E-Filing, REFDISC, RELATE

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:03-cv-00167-MJJ**

Toshiba Corporation v. Lexar Media, Inc.
Assigned to: Hon. Martin J. Jenkins
Referred to: Magistrate Judge James Larson
Cause: 28:1331 Fed. Question: Trademark

Date Filed: 01/13/2003
Date Terminated: 09/26/2006
Jury Demand: Defendant
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Toshiba Corporation

represented by **Arthur I Neustadt**
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V.

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Miscellaneous

Hynix Semiconductor America, Inc.

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Date Filed	#	Docket Text
01/13/2003	1	COMPLAINT (<i>no jury demand; summons issued</i>) against Lexar Media, Inc. (Filing fee \$150 receipt number 3343081). Filed by Toshiba Corporation. (bw,) Additional attachment(s) added on 1/23/2003 (lrd,). Additional attachment(s) added on 1/23/2003 (lrd,). Additional attachment(s) added on

		1/24/2003 (lrd,). Additional attachment(s) added on 1/24/2003 (lrd,). Additional attachment(s) added on 1/24/2003 (lrd,). Additional attachment(s) added on 1/24/2003 (lrd,). Additional attachment(s) added on 1/24/2003 (lrd,). Additional attachment(s) added on 1/24/2003 (lrd,). Additional attachment(s) added on 1/24/2003 (lrd,). (Entered: 01/14/2003)
01/13/2003	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 5/7/2003. Case Management Conference set for 5/14/2003 at 01:30 PM. (bw,) Additional attachment(s) added on 1/14/2003 (bw,). Additional attachment(s) added on 1/16/2003 (bw,). (Entered: 01/14/2003)
01/13/2003		Summons Issued as to Lexar Media, Inc. (bw,) (Entered: 01/14/2003)
01/14/2003	<u>3</u>	REPORT on the filing or determination of an action regarding patent infringement(cc: form mailed to register) (bw,) (Entered: 01/14/2003)
01/23/2003	<u>4</u>	SUMMONS Returned Executed, by Toshiba Corporation. Lexar Media, Inc. (gm,) Additional attachment(s) added on 1/27/2003 (lrd,). (Entered: 01/24/2003)
01/27/2003	<u>5</u>	NOTICE of Related Case by Toshiba Corporation. (McCauley, Robert) (Entered: 01/27/2003)
01/27/2003	<u>6</u>	Declination to Proceed Before a U.S. Magistrate Judge by Toshiba Corporation <i>and Request for Reassignment to a United States District Judge.</i> (McCauley, Robert) (Entered: 01/27/2003)
01/27/2003	<u>7</u>	CERTIFICATE OF SERVICE by Toshiba Corporation (McCauley, Robert) (Entered: 01/27/2003)
01/27/2003	<u>8</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (mpb,) (Entered: 01/27/2003)
01/27/2003		Case Management Conference date vacated. Set/Reset Deadlines:, Set/Reset Hearings: (mpb,) (Entered: 01/27/2003)
01/28/2003	<u>9</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Charles R. Breyer for all further proceedings. Judge Richard Seeborg no longer assigned to case (dhm,) (Entered: 01/29/2003)
01/30/2003	<u>10</u>	CLERK'S NOTICE Case Management Conference set for 5/16/2003 at 08:30 AM. Case Management Statement due by 5/9/2003. (be,) (Entered: 01/30/2003)
01/31/2003	<u>11</u>	STIPULATION <i>AND [PROPOSED] ORDER TO EXTEND TIME TO ANSWER OR OTHERWISE RESPOND TO TOSHIBA CORPORATION'S COMPLAINT</i> by Lexar Media, Inc.. (Vittal, Archana) (Entered: 01/31/2003)
02/03/2003	<u>12</u>	ORDER to extend time to answer or otherwise respond to Toshiba Corporation's complaint. Signed by Judge Charles R. Breyer on 02/03/03. (be,) (Entered: 02/05/2003)
02/07/2003	<u>13</u>	NOTICE of Manual Filing by Toshiba Corporation. (McCauley, Robert) (Entered: 02/07/2003)

02/07/2003	15	EXHIBIT A re <u>14</u> filed by Toshiba Corporation. (Related document(s) <u>14</u>) (mcl,) (Entered: 02/10/2003)
02/07/2003	16	EXHIBIT B re <u>14</u> filed by Toshiba Corporation. (Related document(s) <u>14</u>) (mcl,) (Entered: 02/10/2003)
02/07/2003	17	EXHIBIT C re <u>14</u> filed by Toshiba Corporation. (Related document(s) <u>14</u>) (mcl,) (Entered: 02/10/2003)
02/07/2003	18	EXHIBIT D re <u>14</u> filed by Toshiba Corporation. (Related document(s) <u>14</u>) (mcl,) (Entered: 02/10/2003)
02/07/2003	19	CERTIFICATE OF SERVICE by Toshiba Corporation re 15 , 16 , 17 , 18 (mcl,) (Entered: 02/10/2003)
02/10/2003	<u>14</u>	AMENDED COMPLAINT <i>For Patent Infringement</i> against Lexar Media, Inc.. Filed by Toshiba Corporation. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u>) (McCauley, Robert) (Entered: 02/10/2003)
03/04/2003	<u>20</u>	NOTICE of Manual Filing re Application for Admission of Carl E. Schlier Pro Hac Vice and Proposed Order by Toshiba Corporation. (McCauley, Robert) (Entered: 03/04/2003)
03/05/2003	21	MOTION for Pro Hac Vice of attorney Carl E. Schlier ; fee paid filed by Toshiba Corporation. (mcl,) (Entered: 03/05/2003)
03/05/2003		Received Order re 21 by Toshiba Corporation. (mcl,) (Entered: 03/05/2003)
03/05/2003	22	CERTIFICATE/PROOF OF SERVICE by Toshiba Corporation re 21 (mcl,) (Entered: 03/05/2003)
03/05/2003	<u>23</u>	LEXAR MEDIA, INC 'S CORRECTED ANSWER to Amended Complaint FOR PATENT INFRINGEMENT by Lexar Media, Inc.. (Vittal, Archana) (Entered: 03/05/2003)
03/05/2003	24	ANSWER to Complaint , demand for jury trial by Lexar Media, Inc.. (mcl,) (Entered: 03/06/2003)
03/06/2003	25	ORDER by Judge Charles R. Breyer granting 21 Motion for Pro Hac Vice of attorney Carl E. Schlier (mcl,) (Entered: 03/07/2003)
04/23/2003	<u>26</u>	NOTICE of need of ADR Phone Conference [ADR L R. 3-5] (McCauley, Robert) (Entered: 04/23/2003)
04/23/2003	<u>27</u>	CLERK'S NOTICE: ADR Phone Conference scheduled for 5/14/03 at 10:30 a.m. Please take note that plaintiff's counsel initiates the call to all parties. (tjs,) (Entered: 04/23/2003)
04/24/2003	28	NOTICE of need of ADR Phone Conference by plaintiff, defendant (mcl,) (Entered: 04/25/2003)
05/06/2003	<u>29</u>	JOINT CASE MANAGEMENT STATEMENT and Proposed Order filed by Toshiba Corporation. (McCauley, Robert) (Entered: 05/06/2003)
05/08/2003	<u>30</u>	ORDER by Judge Martin J. Jenkins RELATING CASE 3:02-cv-5273 with member case 3:03-cv-167. Case reassigned to Judge Martin J. Jenkins for all

		further proceedings. Judge Charles R. Breyer no longer assigned to case. (slh) (Entered: 05/12/2003)
05/14/2003		ADR Phone Conference by RWS (tjs,) (Entered: 05/19/2003)
09/08/2003		ADR Phone Conference by RWS (tjs, COURT STAFF) (Entered: 09/08/2003)
10/10/2003	<u>31</u>	STIPULATION <i>Re Protective Order</i> by Toshiba Corporation. (McCauley, Robert) (Entered: 10/10/2003)
10/15/2003	<u>32</u>	ORDER re <u>31</u> Stipulation. Signed by Judge Martin J. Jenkins on 10/15/2003. (mat, COURT STAFF) (Entered: 10/17/2003)
11/26/2003	<u>33</u>	JOINT CASE MANAGEMENT STATEMENT (<i>Supplemental</i>) and <i>Proposed Date for Markman Hearing [Proposed Order]</i> filed by Lexar Media, Inc.. (Vittal, Archana) (Filed on 11/26/2003) (Entered: 11/26/2003)
11/26/2003	<u>34</u>	CERTIFICATE OF SERVICE by Lexar Media, Inc. re <u>33</u> Case Management Statement (Joint) (Vittal, Archana) (Filed on 11/26/2003) (Entered: 11/26/2003)
01/05/2004	<u>35</u>	MOTION for leave to appear in Pro Hac Vice of <i>David Ball and [Proposed] Order</i> (fee status: pd) filed by Lexar Media, Inc.. (Vittal, Archana) (Filed on 1/5/2004) Modified on 1/14/2004 (slh, COURT STAFF). (Entered: 01/05/2004)
01/06/2004	<u>36</u>	ORDER granting <u>35</u> MOTION for leave to appear in Pro Hac Vice of <i>David Ball and [Proposed] Order</i> filed by Lexar Media, Inc.. Signed by Judge Martin J. Jenkins on 1/6/2004. (mat, COURT STAFF) (Filed on 1/6/2004) (Entered: 01/07/2004)
02/09/2004	<u>37</u>	NOTICE by Toshiba Corporation <i>Carl E. Schlier letter to Monica Tutson, Courtroom Deputy to Honorable Martin J. Jenkins re scheduling tutorial and Markman hearing</i> (Puknys, Erik) (Filed on 2/9/2004) (Entered: 02/09/2004)
02/12/2004	<u>38</u>	CLERK'S NOTICE Case Management Conference set for 3/16/2004 02:00 PM. Case Management Statement due by 3/8/2004. (Attachments: # <u>1</u> Standing Order) (mat, COURT STAFF) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>39</u>	NOTICE by Toshiba Corporation <i>Carl E. Schlier letter to Monica Tutson, Courtroom Deputy to Honorable Martin J. Jenkins re Markman Hearing</i> (Puknys, Erik) (Filed on 2/12/2004) (Entered: 02/12/2004)
03/08/2004	<u>40</u>	JOINT CASE MANAGEMENT STATEMENT filed by Toshiba Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(McCauley, Robert) (Filed on 3/8/2004) (Entered: 03/08/2004)
03/17/2004	<u>41</u>	Minute Entry: Initial Case Management Conference held on 3/16/2004 before Martin J. Jenkins (Date Filed: 3/17/2004). (Court Reporter Not reporter.) (mat, COURT STAFF) (Date Filed: 3/17/2004) (Entered: 03/17/2004)
03/17/2004		Set/Reset Hearings: Tutorial hearing set for 7/26/2004 @ 1:30 PM. Claims Construction Hearing set for 7/28/2004 01:30 PM. (mat, COURT STAFF) (Filed on 3/17/2004) (Entered: 03/17/2004)

03/23/2004	<u>42</u>	Proposed Order <i>Setting Claim Construction Briefing Schedule</i> by Lexar Media, Inc.. (Vittal, Archana) (Filed on 3/23/2004) (Entered: 03/23/2004)
04/30/2004	<u>43</u>	STIPULATION <i>Stipulated Request for an Order Enlarging the Time to File the Parties Patent L R. 4-3 Joint Claim Construction Statement from April 30, 2004 to May 11, 2004</i> by Lexar Media, Inc.. (Vittal, Archana) (Filed on 4/30/2004) (Entered: 04/30/2004)
04/30/2004	<u>44</u>	Declaration of Archana Vittal in Support of <u>43</u> <i>Stipulated Request for an Order Enlarging the Time to File the Parties Patent L R. 4-3 Joint Claim Construction Statement from April 30, 2004 to May 11, 2004</i> filed by Lexar Media, Inc.. (Related document(s) <u>43</u>) (Vittal, Archana) (Filed on 4/30/2004) (Entered: 04/30/2004)
05/03/2004	<u>45</u>	ORDER granting <u>43</u> Stipulation filed by Lexar Media, Inc.. Signed by Judge Martin J. Jenkins on 5/3/2004. (mat, COURT STAFF) (Filed on 5/3/2004) (Entered: 05/03/2004)
05/11/2004	<u>46</u>	CLAIM CONSTRUCTION STATEMENT <i>PURSUANT TO PATENT LOCAL RULE 4-3</i> filed by Lexar Media, Inc.. (Attachments: # <u>1</u> # <u>2</u>)(Vittal, Archana) (Filed on 5/11/2004) (Entered: 05/11/2004)
05/13/2004	<u>47</u>	CLERK'S NOTICE Claims Construction Hearing reset for 9/15/2004 02:30 PM. Tutorial Hearing reset for 9/8/2004 02:30 PM. (mat, COURT STAFF) (Filed on 5/13/2004) (Entered: 05/13/2004)
06/11/2004	<u>48</u>	STIPULATION <i>and [Proposed] Order Re Claim Construction Briefing Schedule</i> by Toshiba Corporation. (McCauley, Robert) (Filed on 6/11/2004) (Entered: 06/11/2004)
06/16/2004	<u>49</u>	ORDER granting <u>48</u> Stipulation filed by Toshiba Corporation. Signed by Judge Martin J. Jenkins on 6/16/2004. (mat, COURT STAFF) (Filed on 6/16/2004) (Entered: 06/16/2004)
07/27/2004	<u>50</u>	STIPULATION <i>and Proposed Order Re Claim Construction Briefing Schedule</i> by Toshiba Corporation. (McCauley, Robert) (Filed on 7/27/2004) (Entered: 07/27/2004)
07/30/2004	<u>51</u>	ORDER granting <u>50</u> Joint Stipulation re: Claim Construction Briefing Scheduled filed by Toshiba Corporation. Signed by Judge Martin J. Jenkins on 7/30/2004. (mat, COURT STAFF) (Filed on 7/30/2004) (Entered: 08/02/2004)
08/03/2004	<u>52</u>	STIPULATION <i>AND [PROPOSED] ORDER RE ENLARGEMENT OF PAGE LIMIT FOR OPENING CLAIM CONSTRUCTION BRIEFS</i> by Toshiba Corporation. (McCauley, Robert) (Filed on 8/3/2004) (Entered: 08/03/2004)
08/04/2004	<u>53</u>	Declaration of Robert F. McCauley <i>In Support of Plaintiff Toshiba Corporation's Opening Claim Construction Brief</i> filed by Toshiba Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M)(McCauley, Robert) (Filed on 8/4/2004) (Entered: 08/04/2004)
08/04/2004	<u>54</u>	Brief <i>Plaintiff Toshiba Corporation's Opening Claim Construction Brief</i> filed

		by Toshiba Corporation. (McCauley, Robert) (Filed on 8/4/2004) (Entered: 08/04/2004)
08/04/2004	55	EXHIBITS A,C, D, and E to the declaration of Robert F. McCauley <u>53</u> filed by Toshiba Corporation. (Related document(s) <u>53</u>) (slh, COURT STAFF) (Filed on 8/4/2004) (Entered: 08/09/2004)
08/04/2004	56	CERTIFICATE OF SERVICE by Toshiba Corporation re 55 Exhibits (slh, COURT STAFF) (Filed on 8/4/2004) (Entered: 08/09/2004)
08/06/2004	<u>57</u>	ORDER granting <u>52</u> Joint Stipulation re: Enlargment of Page Limit For Opening Claim Construction Briefs filed by Toshiba Corporation. Signed by Judge Martin J. Jenkins on 8/6/2004. (mat, COURT STAFF) (Filed on 8/6/2004) (Entered: 08/09/2004)
08/19/2004	<u>58</u>	STIPULATION <i>JOINT AND [PROPOSED] ORDER RE. CLAIM CONSTRUCTION BRIEFING SCHEDULE</i> by Lexar Media, Inc., Toshiba Corporation. (Vittal, Archana) (Filed on 8/19/2004) (Entered: 08/19/2004)
08/23/2004	<u>59</u>	ORDER granting <u>58</u> Stipulation filed by Lexar Media, Inc., Toshiba Corporation. Signed by Judge Martin J. Jenkins on 8/20/2004. (mat, COURT STAFF) (Filed on 8/23/2004) (Entered: 08/23/2004)
08/24/2004	<u>60</u>	MOTION for Hearing <i>LOCAL RULE 6-3 TO CHANGE TIME FOR TECHNOLOGY TUTORIAL AND CLAIM CONSTRUCTION HEARING FROM SEPTEMBER 8 & 15, 2004 TO NOVEMBER 19, 2004</i> filed by Lexar Media, Inc.. (Attachments: # <u>1</u>)(Vittal, Archana) (Filed on 8/24/2004) (Entered: 08/24/2004)
08/24/2004	<u>61</u>	Proposed Order re <u>60</u> <i>CHANGING TIME FOR TECHNOLOGY TUTORIAL AND CLAIM CONSTRUCTION HEARING FROM SEPTEMBER 8 & 15, 2004 TO NOVEMBER 19, 2004</i> by Lexar Media, Inc.. (Vittal, Archana) (Filed on 8/24/2004) (Entered: 08/24/2004)
08/24/2004	<u>62</u>	Declaration of Kwang-Chien Ger in Support of <u>60</u> <i>LEXAR MEDIA, INC.'S LOCAL RULE 6-3 MOTION TO CHANGE TIME FOR TECHNOLOGY TUTORIAL AND CLAIM CONSTRUCTION HEARING FROM SEPTEMBER 8 & 15, 2004 TO NOVEMBER 19, 2004</i> filed by Lexar Media, Inc.. (Related document(s) <u>60</u>) (Vittal, Archana) (Filed on 8/24/2004) (Entered: 08/24/2004)
08/25/2004	<u>63</u>	Brief <i>Claim Construction</i> filed by Lexar Media, Inc.. (Vittal, Archana) (Filed on 8/25/2004) (Entered: 08/25/2004)
08/25/2004	<u>64</u>	Declaration of Archana Vittal in Support of <u>63</u> <i>IN SUPPORT OF RESPONSIVE CLAIM CONSTRUCTION BRIEF</i> filed by Lexar Media, Inc.. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> # <u>11</u>)(Related document(s) <u>63</u>) (Vittal, Archana) (Filed on 8/25/2004) (Entered: 08/26/2004)
08/26/2004	<u>65</u>	CLAIM CONSTRUCTION STATEMENT <i>Corrected Responsive Claim Construction Brief</i> filed by Lexar Media, Inc.. (Vittal, Archana) (Filed on 8/26/2004) (Entered: 08/26/2004)
08/26/2004	<u>66</u>	Declaration of Archana Vittal in Support of <u>65</u> <i>Corrected Responsive Claim Construction Brief</i> filed by Lexar Media, Inc.. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> #

		5 # 6 # 7 # 8 # 9 # 10 # 11)(Related document(s) 65) (Vittal, Archana) (Filed on 8/26/2004) (Entered: 08/26/2004)
08/27/2004	<u>67</u>	Memorandum in Opposition re <u>60</u> MOTION for Hearing <i>LOCAL RULE 6-3 TO CHANGE TIME FOR TECHNOLOGY TUTORIAL AND CLAIM CONSTRUCTION HEARING FROM SEPTEMBER 8 & 15, 2004 TO NOVEMBER 19, 2004</i> Toshiba's Opposition to Lexar's Local Rule 6-3 Motion to Change Time for Technology Tutorial and Claim Construction Hearing From September 8 & 15, 2004 to November 19, 2004 filed by Toshiba Corporation. (McCauley, Robert) (Filed on 8/27/2004) (Entered: 08/27/2004)
09/01/2004	<u>68</u>	STIPULATION to Permit Toshiba to File a Claim Construction Reply Brief of Up to 20 Pages by Toshiba Corporation. (McCauley, Robert) (Filed on 9/1/2004) (Entered: 09/01/2004)
09/01/2004	<u>69</u>	Declaration of Robert F. McCauley in Support of Toshiba Corporation's Reply Claim Construction Brief filed by Toshiba Corporation. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3)(McCauley, Robert) (Filed on 9/1/2004) (Entered: 09/01/2004)
09/01/2004	<u>70</u>	Reply Memorandum Plaintiff Toshiba Corporation's Reply Claim Construction Brief filed by Toshiba Corporation. (McCauley, Robert) (Filed on 9/1/2004) (Entered: 09/01/2004)
09/02/2004	<u>71</u>	ORDER by Judge Martin J. Jenkins granting <u>60</u> Motion for Hearing Rescheduling Tutorial and Claims Construction hearings. (mat, COURT STAFF) (Filed on 9/2/2004) (Entered: 09/02/2004)
09/02/2004		Set/Reset Hearings: Tutorial and Claims Construction Hearing reset for 11/22/2004 09:30 AM. (mat, COURT STAFF) (Filed on 9/2/2004) (Entered: 09/02/2004)
09/07/2004	<u>72</u>	ORDER granting <u>68</u> Stipulation to Permit Toshiba to File A Claim Construction Reply Brief of up to 20 Pages filed by Toshiba Corporation. Signed by Judge Martin J. Jenkins on 9/4/2004. (mat, COURT STAFF) (Filed on 9/7/2004) (Entered: 09/07/2004)
09/13/2004	<u>73</u>	MOTION of Robert C. Mattson for leave to appear in Pro Hac Vice (fee status: pd) filed by Toshiba Corporation. (slh, COURT STAFF) (Filed on 9/13/2004) (Entered: 09/14/2004)
09/13/2004	<u>74</u>	CERTIFICATE OF SERVICE by Toshiba Corporation re <u>73</u> MOTION for leave to appear in Pro Hac Vice (slh, COURT STAFF) (Filed on 9/13/2004) (Entered: 09/14/2004)
09/14/2004	<u>75</u>	ORDER GRANTING APPLICATION OF ROBERT C. MATTSON FOR ADMISSION OF ATTORNEY PRO HAC VICE by Judge Martin J. Jenkins granting <u>73</u> Motion for Pro Hac Vice (aaa, Court Staff) (Filed on 9/14/2004) (Entered: 09/15/2004)
09/16/2004	<u>76</u>	*****E-FILED IN ERROR, REFER TO DOCUMENT # 77 ***** NOTICE by Toshiba Corporation of <i>Withdrawal of Erik R Puknys and [Proposed] Order</i> (McCauley, Robert) (Filed on 9/16/2004) Modified on 9/16/2004 (feriab, COURT STAFF). (Entered: 09/16/2004)

09/16/2004	<u>77</u>	NOTICE by Toshiba Corporation of <i>Withdrawal of Erik R Puknys and [Proposed] Order</i> (McCauley, Robert) (Filed on 9/16/2004) (Entered: 09/16/2004)
09/23/2004	<u>78</u>	ORDER granting <u>77</u> Notice of Withdrawal of Erik R. Puknys filed by Toshiba Corporation. Signed by Judge Martin J. Jenkins on 9/22/2004. (mat, COURT STAFF) (Filed on 9/23/2004) (Entered: 09/23/2004)
11/17/2004	<u>79</u>	STIPULATION <i>Regarding Visual Presentation Equipment, [Proposed] Order</i> by Toshiba Corporation. (McCauley, Robert) (Filed on 11/17/2004) (Entered: 11/17/2004)
11/18/2004	<u>80</u>	ORDER granting <u>79</u> Stipulation filed by Toshiba Corporation,. Signed by Judge Martin J. Jenkins on 11/18/2004. (mat, COURT STAFF) (Filed on 11/18/2004) (Entered: 11/19/2004)
11/22/2004	<u>81</u>	Minute Entry: Claims Construction Hearing held on 11/22/2004 before Martin J. Jenkins (Date Filed: 11/22/2004), Tutorial Hearing held on 11/22/2004 before Martin J. Jenkins (Date Filed: 11/22/2004). (Court Reporter Sahar Demos.) (mat, COURT STAFF) (Date Filed: 11/22/2004) (Entered: 11/22/2004)
11/29/2004	<u>82</u>	Brief <i>Plaintiff Toshiba Corporation's Supplemental Claim Construction Brief</i> filed by Toshiba Corporation. (Attachments: # <u>1</u> Attachment)(McCauley, Robert) (Filed on 11/29/2004) (Entered: 11/29/2004)
12/03/2004	<u>83</u>	RESPONSE to re <u>82</u> Brief <i>Lexar Media, Inc.'s Response to Toshiba Corporation's Supplemental Claim Construction Brief</i> by Lexar Media, Inc.. (Vittal, Archana) (Filed on 12/3/2004) (Entered: 12/03/2004)
12/16/2004	<u>84</u>	TRANSCRIPT of Proceedings re <u>81</u> held on 11/22/04 before Judge Martin M. Jenkins. Court Reporter: Sahar McVickar. (ys, COURT STAFF) (Filed on 12/16/2004) (Entered: 12/20/2004)
01/24/2005	<u>85</u>	CLAIMS CONSTRUCTION ORDER. Signed by Judge Martin J. Jenkins on 1/24/2005. (mat, COURT STAFF) (Filed on 1/24/2005) (Entered: 01/25/2005)
04/12/2005	<u>86</u>	STIPULATION <i>Request For Court To Schedule Case Management Conference; [Proposed] Order</i> by Toshiba Corporation. (McCauley, Robert) (Filed on 4/12/2005) (Entered: 04/12/2005)
04/13/2005	<u>87</u>	ORDER granting <u>86</u> Stipulation filed by Toshiba Corporation. Case Management Conference set for 5/10/2005 02:00 PM. Case Management Conference Statement due 5/2/2005. Signed by Judge Martin J. Jenkins on 4/13/2005. (mat, COURT STAFF) (Filed on 4/13/2005) (Entered: 04/15/2005)
05/02/2005	<u>88</u>	JOINT CASE MANAGEMENT STATEMENT filed by Toshiba Corporation. (McCauley, Robert) (Filed on 5/2/2005) (Entered: 05/02/2005)
05/09/2005	<u>89</u>	CLERK'S NOTICE Case Management Conference reset for 5/18/2005 02:30 PM. (mat, COURT STAFF) (Filed on 5/9/2005) (Entered: 05/09/2005)
05/18/2005	<u>90</u>	Minute Entry: Initial Case Management Conference held on 5/18/2005 before Martin J. Jenkins (Date Filed: 5/18/2005). (Court Reporter Not reported.)

		(mat, COURT STAFF) (Date Filed: 5/18/2005) (Entered: 05/20/2005)
05/20/2005	<u>91</u>	JOINT CASE MANAGEMENT STATEMENT <i>Parties' Joint Statement Regarding Case Scheduling</i> filed by Toshiba Corporation. (McCauley, Robert) (Filed on 5/20/2005) (Entered: 05/20/2005)
06/08/2005	<u>92</u>	SCHEDULING ORDER: Status Conference set for 8/31/2006 02:00 PM in Courtroom 11, 19th Floor, San Francisco. Discovery due by 2/24/2006. Signed by Judge Martin J. Jenkins on 6/8/2005. (mat, COURT STAFF) (Filed on 6/8/2005) (Entered: 06/08/2005)
09/06/2005	<u>93</u>	ORDER REFERRING CASE to Magistrate Judge Larson for Discovery purposes. Signed by Judge Martin J. Jenkins on 9/6/2005. (mat, COURT STAFF) (Filed on 9/6/2005) (Entered: 09/06/2005)
11/21/2005	<u>94</u>	NOTICE of Change of Address by Robert F. McCauley (McCauley, Robert) (Filed on 11/21/2005) (Entered: 11/21/2005)
12/12/2005	<u>95</u>	STIPULATION <i>and Proposed Order re: Depositions in Japan</i> by Lexar Media, Inc.. (Clark, Perry) (Filed on 12/12/2005) (Entered: 12/12/2005)
01/18/2006	<u>96</u>	STIPULATION <i>and Amended Proposed Order Re: Depositions in Japan</i> by Lexar Media, Inc.. (Clark, Perry) (Filed on 1/18/2006) (Entered: 01/18/2006)
01/24/2006	<u>97</u>	ORDER granting <u>96</u> Amended Stipulation filed by Lexar Media, Inc., Signed by Judge Martin J. Jenkins on 1/24/2006. (mat, COURT STAFF) (Filed on 1/24/2006) (Entered: 01/25/2006)
02/09/2006	<u>98</u>	STIPULATION <i>Re. Case Schedule and [Proposed] Order</i> by Lexar Media, Inc.. (Clark, Perry) (Filed on 2/9/2006) (Entered: 02/09/2006)
02/10/2006	<u>99</u>	ORDER granting <u>98</u> Stipulation filed by Lexar Media, Inc., Discovery due by 4/14/2006. Further Status Conference set for 10/3/2006 02:00 PM in Courtroom 11, 19th Floor, San Francisco. Signed by Judge Martin J. Jenkins on 2/10/2006. (mat, COURT STAFF) (Filed on 2/10/2006) (Entered: 02/14/2006)
03/08/2006	<u>100</u>	CERTIFICATE OF SERVICE by Lexar Media, Inc. <i>re: NOTICE OF PENDENCY OF OTHER ACTIONS AND ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED</i> (Clark, Perry) (Filed on 3/8/2006) (Entered: 03/08/2006)
03/15/2006	<u>101</u>	MOTION of Michael E. McCabe, Jr. for leave to appear in Pro Hac Vice (fee paid) filed by Toshiba Corporation. (slh, COURT STAFF) (Filed on 3/15/2006) (Entered: 03/21/2006)
03/17/2006	<u>102</u>	ORDER by Judge Martin J. Jenkins granting <u>101</u> Motion for Pro Hac Vice of Michael E. McCabe, JR. (mat, COURT STAFF) (Filed on 3/17/2006) (Entered: 03/21/2006)
03/31/2006	<u>103</u>	ORDER RELATING CASE. Signed by Judge Martin J. Jenkins on 3/31/2006. (matS, COURT STAFF) (Filed on 3/31/2006) (Entered: 04/07/2006)
04/14/2006	<u>104</u>	STIPULATION <i>Regarding Extension of Case Schedule, Supporting</i>

		<i>Declaration, and Proposed Order</i> by Lexar Media, Inc.. (Cherensky, Steven) (Filed on 4/14/2006) (Entered: 04/14/2006)
05/19/2006	<u>105</u>	STIPULATION <i>Regarding Case Schedule, Supporting Declaration, [Proposed] Order</i> by Toshiba Corporation. (McCauley, Robert) (Filed on 5/19/2006) (Entered: 05/19/2006)
05/24/2006	<u>106</u>	ORDER granting <u>105</u> Stipulation filed by Toshiba Corporation. Signed by Judge Martin J. Jenkins on 5/24/2006. (mat, COURT STAFF) (Filed on 5/24/2006) (Entered: 05/24/2006)
05/26/2006	<u>107</u>	Letter from Carl E. Schlier, attorney for plaintiff, and Steven Cherensky, attorney for defendant, <i>regarding discovery dispute</i> . (McCauley, Robert) (Filed on 5/26/2006) (Entered: 05/26/2006)
06/06/2006	<u>108</u>	Letter from Parties to Judge Larson <i>Re Discovery Dispute</i> . (Cherensky, Steven) (Filed on 6/6/2006) (Entered: 06/06/2006)
06/13/2006	<u>109</u>	NOTICE of Appearance by Jose Luis Martin <i>NOTICE OF LIMITED PURPOSE APPEARANCE ON BEHALF OF TOSHIBA CORPORATION</i> (Martin, Jose) (Filed on 6/13/2006) (Entered: 06/13/2006)
06/13/2006	<u>110</u>	MOTION to Compel <i>TOSHIBA CORPORATION'S NOTICE OF MOTION AND MOTION TO COMPEL NON-PARTY HYNIX SEMICONDUCTOR AMERICA, INC. TO PRODUCE DOCUMENTS IN RESPONSE TO SUBPOENA</i> filed by Toshiba Corporation. Motion Hearing set for 7/26/2006 09:30 AM in Courtroom F, 15th Floor, San Francisco. (Martin, Jose) (Filed on 6/13/2006) (Entered: 06/13/2006)
06/13/2006	<u>111</u>	Declaration of Carl E. Schlier <i>DECLARATION OF CARL E SCHILIER IN SUPPORT OF TOSHIBA CORPORATION'S MOTION TO COMPEL HYNIX SEMICONDUCTOR AMERICA, INC TO PRODUCE DOCUMENTS</i> filed by Toshiba Corporation. (Attachments: # <u>1</u> Exhibit <u>1</u> # <u>2</u> Exhibit <u>2</u> # <u>3</u> Exhibit <u>3</u> # <u>4</u> Exhibit <u>4</u>)(Martin, Jose) (Filed on 6/13/2006) (Entered: 06/13/2006)
06/13/2006	<u>112</u>	Proposed Order re <u>110</u> MOTION to Compel <i>TOSHIBA CORPORATION'S NOTICE OF MOTION AND MOTION TO COMPEL NON-PARTY HYNIX SEMICONDUCTOR AMERICA, INC TO PRODUCE DOCUMENTS IN RESPONSE TO SUBPOENA [PROPOSED] ORDER GRANTING TOSHIBA CORPORATION'S MOTION TO COMPEL HYNIX SEMICONDUCTOR AMERICA, INC TO PRODUCE DOCUMENTS IN RESPONSE TO SUBPOENA</i> by Toshiba Corporation. (Martin, Jose) (Filed on 6/13/2006) (Entered: 06/13/2006)
06/13/2006	<u>113</u>	CERTIFICATE OF SERVICE by Toshiba Corporation <i>PROOF OF SERVICE</i> (Martin, Jose) (Filed on 6/13/2006) (Entered: 06/13/2006)
06/15/2006	<u>114</u>	CLERK'S NOTICE Continuing Motion Hearing Motion Hearing set for 8/16/2006 09:30 AM in Courtroom F, 15th Floor, San Francisco. (wh, COURT STAFF) (Filed on 6/15/2006) (Entered: 06/15/2006)
06/19/2006	<u>115</u>	NOTICE by Toshiba Corporation <i>TOSHIBA CORPORATION'S NOTICE OF ORDER CONTINUING HEARING DATE</i> (Martin, Jose) (Filed on 6/19/2006) (Entered: 06/19/2006)

06/19/2006	<u>116</u>	EXHIBITS re <u>115</u> Notice (Other) <i>Exhibit A</i> filed by Toshiba Corporation. (Related document(s) <u>115</u>) (Martin, Jose) (Filed on 6/19/2006) (Entered: 06/19/2006)
06/21/2006	<u>117</u>	NOTICE of Change In Counsel by Steven S. Cherensky (Cherensky, Steven) (Filed on 6/21/2006) (Entered: 06/21/2006)
06/21/2006	<u>118</u>	STIPULATION <i>Regarding Expert Discovery Schedule; Supporting Declaration; [Proposed] Order</i> by Lexar Media, Inc.. (Cherensky, Steven) (Filed on 6/21/2006) (Entered: 06/21/2006)
06/23/2006	<u>119</u>	ORDER granting <u>118</u> Stipulation filed by Lexar Media, Inc., Signed by Judge Martin J. Jenkins on 6/23/2006. (mat, COURT STAFF) (Filed on 6/23/2006) (Entered: 06/26/2006)
07/14/2006	<u>120</u>	STIPULATION <i>Regarding Extension of Case Schedule; Supporting Declaration; [Proposed] Order</i> by Toshiba Corporation. (McCauley, Robert) (Filed on 7/14/2006) (Entered: 07/14/2006)
07/21/2006	<u>121</u>	STIPULATION <i>Extension of Case Schedule; Supporting Declaration; [Proposed] Order</i> by Toshiba Corporation. (McCauley, Robert) (Filed on 7/21/2006) (Entered: 07/21/2006)
07/26/2006	<u>122</u>	Memorandum in Opposition re <u>110</u> MOTION to Compel <i>TOSHIBA CORPORATION'S NOTICE OF MOTION AND MOTION TO COMPEL NON-PARTY HYNIX SEMICONDUCTOR AMERICA, INC. TO PRODUCE DOCUMENTS IN RESPONSE TO SUBPOENA TO HYNIX SEMICONDUCTOR AMERICA, INC.</i> filed by Hynix Semiconductor America, Inc.. (Slenkovich, Keith) (Filed on 7/26/2006) (Entered: 07/26/2006)
07/28/2006	<u>123</u>	ORDER granting <u>121</u> Stipulation filed by Toshiba Corporation., Signed by Judge Martin J. Jenkins on 7/28/2006. (mat, COURT STAFF) (Filed on 7/28/2006) (Entered: 08/01/2006)
08/02/2006	<u>124</u>	Reply to Opposition <i>TOSHIBA CORPORATION'S REPLY TO HYNIX SEMICONDUCTOR AMERICA, INC 'S OPPOSITION TO TOSHIBA'S MOTION TO COMPEL</i> filed by Toshiba Corporation. (Martin, Jose) (Filed on 8/2/2006) (Entered: 08/02/2006)
08/08/2006	<u>125</u>	NOTICE of Appearance by Stefani E. Shanberg <i>Notice of Appearance of Counsel for Lexar Media, Inc.</i> (Shanberg, Stefani) (Filed on 8/8/2006) (Entered: 08/08/2006)
08/09/2006	<u>126</u>	Letter from Jose Luis Martin <i>regarding June 26, 2006 Order.</i> (Martin, Jose) (Filed on 8/9/2006) (Entered: 08/09/2006)
08/09/2006	<u>127</u>	Letter from Parties <i>Regarding Status of Discovery Disputes.</i> (Cherensky, Steven) (Filed on 8/9/2006) (Entered: 08/09/2006)
08/10/2006	<u>128</u>	MOTION for Summary Judgment (<i>Partial</i>) of <i>Noninfringement (under seal)</i> filed by Lexar Media, Inc.. Motion Hearing set for 11/7/2006 09:30 AM in Courtroom 11, 19th Floor, San Francisco. (Attachments: # <u>1</u> Proposed Order) (Davis, Jessica) (Filed on 8/10/2006) (Entered: 08/10/2006)

08/10/2006	<u>129</u>	Declaration of Jessica L. Davis in Support of <u>128</u> MOTION for Summary Judgment (<i>Partial</i>) of <i>Noninfringement (under seal)</i> filed by Lexar Media, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B, E, F, G, H, I, Q, R, T, V (under seal)# <u>3</u> Exhibit C# <u>4</u> Exhibit D (lodged)# <u>5</u> Exhibit J# <u>6</u> Exhibit K# <u>7</u> Exhibit L# <u>8</u> Exhibit M# <u>9</u> Exhibit N, Part 1# <u>10</u> Exhibit N, Part 2# <u>11</u> Exhibit N, Part 3# <u>12</u> Exhibit N, Part 4# <u>13</u> Exhibit O, Part 1# <u>14</u> Exhibit O, Part 2# <u>15</u> Exhibit O, Part 3# <u>16</u> Exhibit O, Part 4# <u>17</u> Exhibit P# <u>18</u> Exhibit S# <u>19</u> Exhibit U# <u>20</u> Exhibit W)(Related document(s) <u>128</u>) (Davis, Jessica) (Filed on 8/10/2006) (Entered: 08/10/2006)
08/10/2006	<u>130</u>	MOTION Civil LR 7-11 and 79-5 to seal documents re <u>128</u> MOTION for Summary Judgment (<i>Partial</i>) of <i>Noninfringement (under seal)</i> filed by Lexar Media, Inc.. Motion Hearing set for 11/7/2006 09:30 AM in Courtroom 11, 19th Floor, San Francisco. (Attachments: # <u>1</u> Proposed Order)(Davis, Jessica) (Filed on 8/10/2006) (Entered: 08/10/2006)
08/10/2006	<u>131</u>	Declaration of Jessica L. Davis in Support of <u>130</u> MOTION Civil LR 7-11 and 79-5 to seal documents re <u>128</u> MOTION for Summary Judgment (<i>Partial</i>) of <i>Noninfringement (under seal)</i> filed by Lexar Media, Inc.. (Attachments: # <u>1</u> Exhibit A)(Related document(s) <u>130</u>) (Davis, Jessica) (Filed on 8/10/2006) (Entered: 08/10/2006)
08/10/2006	<u>132</u>	CERTIFICATE OF SERVICE by Lexar Media, Inc. re <u>130</u> MOTION Civil LR 7-11 and 79-5 to seal documents re <u>128</u> MOTION for Summary Judgment (<i>Partial</i>) of <i>Noninfringement (under seal)</i> , <u>128</u> MOTION for Summary Judgment (<i>Partial</i>) of <i>Noninfringement (under seal)</i> , <u>131</u> Declaration in Support,, <u>129</u> Declaration in Support,, (Davis, Jessica) (Filed on 8/10/2006) (Entered: 08/10/2006)
08/10/2006	<u>135</u>	EXHIBIT D re <u>129</u> Declaration in Support filed by Lexar Media, Inc. (Related document(s) <u>129</u>) (slh, COURT STAFF) (Filed on 8/10/2006) (Entered: 08/17/2006)
08/10/2006	<u>136</u>	MOTION for Partial Summary Judgment of Noninfringement (filed UNDER SEAL) filed by Lexar Media, Inc. Motion Hearing set for 11/7/2006 09:30 AM. (slh, COURT STAFF) (Filed on 8/10/2006) (Entered: 08/22/2006)
08/10/2006	<u>137</u>	EXHIBITS B, E, F, G, H, I, Q, R, T and V to Declaration of Jessica L. Davis in Support of <u>136</u> MOTION for Partial Summary Judgment of Noninfringement (filed UNDER SEAL) filed by Lexar Media, Inc.. (Related document(s) <u>136</u>) (slh, COURT STAFF) (Filed on 8/10/2006) (Entered: 08/22/2006)
08/11/2006	<u>133</u>	CLERK'S NOTICE Continuing Motion Hearing Motion Hearing set for 9/20/2006 09:30 AM in Courtroom F, 15th Floor, San Francisco. (wh, COURT STAFF) (Filed on 8/11/2006) (Entered: 08/11/2006)
08/11/2006	<u>134</u>	ORDER by Judge Martin J. Jenkins granting <u>130</u> Motion To Seal Documents. (mat, COURT STAFF) (Filed on 8/11/2006) (Entered: 08/14/2006)
08/25/2006	<u>138</u>	STIPULATION <i>Stipulated Extension of Case Schedule, Supporting Declaration, [Proposed] Order</i> by Toshiba Corporation. (McCauley, Robert) (Filed on 8/25/2006) (Entered: 08/25/2006)

08/30/2006	<u>139</u>	ORDER granting <u>138</u> Stipulation filed by Toshiba Corporation,. Signed by Judge Martin J. Jenkins on 8/30/2006. (mat, COURT STAFF) (Filed on 8/30/2006) (Entered: 08/31/2006)
09/08/2006	<u>140</u>	STIPULATION <i>Stipulated Extension of Case Schedule; Supporting Declaration; [Proposed] Order</i> by Lexar Media, Inc.. (Cherensky, Steven) (Filed on 9/8/2006) (Entered: 09/08/2006)
09/14/2006	<u>141</u>	ORDER granting <u>140</u> Stipulation filed by Lexar Media, Inc.,. Signed by Judge Martin J. Jenkins on 9/14/2006. (mat, COURT STAFF) (Filed on 9/14/2006) (Entered: 09/19/2006)
09/19/2006	<u>142</u>	STIPULATION <i>Joint Stipulation of Dismissal with Prejudice; [Proposed] Order</i> by Toshiba Corporation. (McCauley, Robert) (Filed on 9/19/2006) (Entered: 09/19/2006)
09/19/2006	<u>143</u>	NOTICE of Appearance by Jonathan M. James (James, Jonathan) (Filed on 9/19/2006) (Entered: 09/19/2006)
09/19/2006	<u>144</u>	NOTICE of Appearance by Stefani E. Shanberg (Shanberg, Stefani) (Filed on 9/19/2006) (Entered: 09/19/2006)
09/19/2006	<u>145</u>	NOTICE of Appearance by Kenneth B. Wilson (Wilson, Kenneth) (Filed on 9/19/2006) (Entered: 09/19/2006)
09/19/2006	<u>146</u>	NOTICE of Appearance by Dieter H. Hellmoldt (Hellmoldt, Dieter) (Filed on 9/19/2006) (Entered: 09/19/2006)
09/19/2006	<u>147</u>	NOTICE of Appearance by Lila Inayat Bailey (Bailey, Lila) (Filed on 9/19/2006) (Entered: 09/19/2006)
09/26/2006	<u>148</u>	ORDER DISMISSING CASE, ***Civil Case Terminated.. Signed by Judge Martin J. Jenkins on 9/26/2006. (mat, COURT STAFF) (Filed on 9/26/2006) (Entered: 09/26/2006)

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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16 TOSHIBA CORPORATION,
 17)
 Plaintiff,)
 18)
 v.)
 19)
 LEXAR MEDIA, INC.,)
 20)
 Defendant.)
 21)

CASE NO. C03-00167-CRB
**FIRST AMENDED COMPLAINT FOR
 PATENT INFRINGEMENT**

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1 Plaintiff, Toshiba Corporation (hereinafter "Toshiba"), by its undersigned attorneys, hereby
2 alleges the following for its complaint against Defendant Lexar Media, Inc.:

3 *Nature of the Case*

4 1. This is a civil action for infringement of United States Patents Nos. 5,546,351 ("the
5 '351 patent") (Exhibit A), 5,724,300 ("the '300 patent") (Exhibit B), 5,793,696 ("the '696 patent")
6 (Exhibit C), 5,946,231 ("the '231 patent") (Exhibit D), 5,986,933 ("the '933 patent") (Exhibit E),
7 6,094,697 ("the '697 patent") (Exhibit F), 6,292,850 ("the '850 patent") (Exhibit G), 6,338,104 ("the
8 '104 patent") (Exhibit H), and 5,611,067 ("the '067 patent") (Exhibit I).

9 *Jurisdiction and Venue*

10 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.
11 Venue is proper in this judicial district pursuant to the provisions of 28 U.S.C. §§ 1391 and 1400(b).

12 *The Parties*

13 3. Plaintiff Toshiba Corporation ("Toshiba") is a corporation organized and existing
14 under the laws of Japan, having its principal place of business at 1-1, Shibaura 1-chome, Minato-ku,
15 Tokyo 105-8001 Japan.

16 4. Upon information and belief, Defendant Lexar Media, Inc. ("Lexar") is a Delaware
17 corporation having a principal place of business at 47421 Bayside Parkway, Fremont, California
18 94538.

19 *Defendant's Infringement of the Patents in Suit*

20 5. Plaintiff Toshiba is the owner by assignment of United States Patent No. 5,546,351
21 entitled "Non-volatile Semiconductor Memory Device and Memory System Using the Same," duly
22 and lawfully issued on August 13, 1996 by the United States Patent and Trademark Office. A true
23 and correct copy of the '351 patent is attached hereto as Exhibit A.

24 6. Plaintiff Toshiba is the owner by assignment of United States Patent No. 5,724,300
25 entitled "Non-volatile Semiconductor Memory Device and Memory System Using the Same," duly
26 and lawfully issued on March 3, 1998 by the United States Patent and Trademark Office. A true and
27 correct copy of the '300 patent is attached hereto as Exhibit B.

1 7. Plaintiff Toshiba is the owner by assignment of United States Patent No. 5,793,696
2 entitled "Non-volatile Semiconductor Memory Device and Memory System Using the Same," duly
3 and lawfully issued on August 11, 1998 by the United States Patent and Trademark Office. A true
4 and correct copy of the '696 patent is attached hereto as Exhibit C.

5 8. Plaintiff Toshiba is the owner by assignment of United States Patent No. 5,946,231
6 entitled "Non-volatile Semiconductor Memory Device," duly and lawfully issued on August 31,
7 1999 by the United States Patent and Trademark Office. A true and correct copy of the '231 patent
8 is attached hereto as Exhibit D.

9 9. Plaintiff Toshiba is the owner by assignment of United States Patent No. 5,986,933
10 entitled "Semiconductor Memory Device Having Variable Number of Selected Cell Pages and
11 Subcell Arrays," duly and lawfully issued on November 16, 1999 by the United States Patent and
12 Trademark Office. A true and correct copy of the '933 patent is attached hereto as Exhibit E.

13 10. Plaintiff Toshiba is the owner by assignment of United States Patent No. 6,094,697
14 entitled "Information Processing System Including Processing Device For Detecting Non-
15 conductivity of State-indicating Non-conductive Member and Discriminating Prohibit State of
16 Writing Information to Information Writable Storage Medium," duly and lawfully issued on July 25,
17 2000 by the United States Patent and Trademark Office. A true and correct copy of the '697 patent
18 is attached hereto as Exhibit F.

19 11. Plaintiff Toshiba is the owner by assignment of United States Patent No. 6,292,850
20 entitled "Information Storage System Including State-designating Area on Memory Card and
21 Detecting Presence or Absence of State-designating Member on State-designating Area to Inhibit or
22 Allow Writing of Information," duly and lawfully issued on September 18, 2001 by the United
23 States Patent and Trademark Office. A true and correct copy of the '850 patent is attached hereto as
24 Exhibit G.

25 12. Plaintiff Toshiba is the owner by assignment of United States Patent No. 6,338,104
26 entitled "System Including Single Connector Pin Supporter Having Two Separate Plurality of
27 Connector Pins with One Set of Pins Contacting State Designating Portion of Memory Card
28 Indicating Write Prohibit State," duly and lawfully issued on January 8, 2002 by the United States

1 Patent and Trademark Office. A true and correct copy of the '104 patent is attached hereto as
2 Exhibit H.

3 13. Plaintiff Toshiba is the owner by assignment of United States Patent No. 5,611,067
4 entitled "Nonvolatile Semiconductor Memory Device Having Means for Selective Transfer of
5 Memory Block Contents and for Chaining Together Unused Memory Blocks," duly and lawfully
6 issued on March 11, 1997 by the United States Patent and Trademark Office. A true and correct
7 copy of the '067 patent is attached hereto as Exhibit I.

8 14. Upon information and belief, Lexar sells in the United States products such as, but
9 not limited to, memory controllers, flash memory cards including but not limited to compact flash
10 cards, memory card readers, and a digital photo player product that infringe the patents in suit.

11 15. Upon information and belief, Lexar induces others to infringe the patents in suit by
12 the sale of its memory controllers and the licensing of its memory controller technology.

13 16. Lexar's actions as alleged in paragraphs 14-15 are without the consent of Toshiba and
14 violate 35 U.S.C. § 271.

15 17. Upon information and belief, Lexar intends to and will continue its infringing
16 activities unless enjoined by this Court.

17 18. As a result of Lexar's infringing activities, Toshiba has been, and will continue to be,
18 seriously damaged and irreparably injured unless Lexar is enjoined by this Court.

19 19. Toshiba has given specific notice of infringement to Lexar as to seven of the nine
20 patents in suit.

21 20. Upon information and belief, Lexar's infringement has been willful as to at least
22 seven of the nine patents in suit.

23 *Count 1: Infringement of the '351 Patent*

24 21. Toshiba repeats the allegations of paragraphs 1-20 as if set forth at length herein.

25 22. Upon information and belief, Lexar sells flash memory devices including but not
26 limited to compact flash cards that infringe the '351 patent.

1 23. Upon information and belief, Lexar induces infringement of the '351 patent by the
2 sale of its memory controllers for use in compact flash cards that infringe the '351 patent and the
3 licensing of its memory controller technology.

4 24. Lexar's conduct violates 35 U.S.C. § 271.

5 25. Lexar's conduct constitutes infringement of the '351 patent.

6 *Count 2: Infringement of the '300 Patent*

7 26. Toshiba repeats the allegations of paragraphs 1-20 as if set forth at length herein.

8 27. Upon information and belief, Lexar sells flash memory devices including but not
9 limited to compact flash cards that infringe the '300 patent.

10 28. Upon information and belief, Lexar induces infringement of the '300 patent by the
11 sale of its memory controllers for use in compact flash cards that infringe the '300 patent and the
12 licensing of its memory controller technology.

13 29. Lexar's conduct violates 35 U.S.C. § 271.

14 30. Lexar's conduct constitutes infringement of the '300 patent.

15 *Count 3: Infringement of the '696 Patent*

16 31. Toshiba repeats the allegations of paragraphs 1-20 as if set forth at length herein.

17 32. Upon information and belief, Lexar sells flash memory devices including but not
18 limited to compact flash cards that infringe the '696 patent.

19 33. Upon information and belief, Lexar induces infringement of the '696 patent by the
20 sale of its memory controllers for use in compact flash cards that infringe the '696 patent and the
21 licensing of its memory controller technology.

22 34. Lexar's conduct violates 35 U.S.C. § 271.

23 35. Lexar's conduct constitutes infringement of the '696 patent.

24 *Count 4: Infringement of the '231 Patent*

25 36. Toshiba repeats the allegations of paragraphs 1-20 as if set forth at length herein.

26 37. Upon information and belief, Lexar sells flash memory devices including but not
27 limited to compact flash cards that infringe the '231 patent.

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1 38. Upon information and belief, Lexar induces infringement of the '231 patent by the
2 sale of its memory controllers for use in compact flash cards that infringe the '231 patent and the
3 licensing of its memory controller technology.

4 39. Lexar's conduct violates 35 U.S.C. § 271.

5 40. Lexar's conduct constitutes infringement of the '231 patent.

6 *Count 5: Infringement of the '933 Patent*

7 41. Toshiba repeats the allegations of paragraphs 1-20 as if set forth at length herein.

8 42. Upon information and belief, Lexar sells flash memory devices including but not
9 limited to compact flash cards that infringe the '933 patent.

10 43. Upon information and belief, Lexar induces infringement of the '933 patent by the
11 sale of its memory controllers for use in compact flash cards that infringe the '933 patent and the
12 licensing of its memory controller technology.

13 44. Lexar's conduct violates 35 U.S.C. § 271.

14 45. Lexar's conduct constitutes infringement of the '933 patent.

15 *Count 6: Infringement of the '697 Patent*

16 46. Toshiba repeats the allegations of paragraphs 1-20 as if set forth at length herein.

17 47. Upon information and belief, Lexar sells memory card reader products and a digital
18 photo player product that infringe the '697 patent.

19 48. Lexar's conduct violates 35 U.S.C. § 271.

20 49. Lexar's conduct constitutes infringement of the '697 patent.

21 *Count 7: Infringement of the '850 Patent*

22 50. Toshiba repeats the allegations of paragraphs 1-20 as if set forth at length herein.

23 51. Upon information and belief, Lexar sells memory card reader products and a digital
24 photo player product that infringe the '850 patent.

25 52. Lexar's conduct violates 35 U.S.C. § 271.

26 53. Lexar's conduct constitutes infringement of the '850 patent.

27 *Count 8: Infringement of the '104 Patent*

28 54. Toshiba repeats the allegations of paragraphs 1-20 as if set forth at length herein.

1 55. Upon information and belief, Lexar sells memory card reader products and a digital
2 photo player product that infringe the '104 patent.

3 56. Lexar's conduct violates 35 U.S.C. § 271.

4 57. Lexar's conduct constitutes infringement of the '104 patent.

5 *Count 9: Infringement of the '067 Patent*

6 58. Toshiba repeats the allegations of paragraphs 1-20 as if set forth at length herein.

7 59. Upon information and belief, Lexar sells flash memory devices including but not
8 limited to compact flash cards that infringe the '067 patent.

9 60. Upon information and belief, Lexar induces infringement of the '067 patent by the
10 sale of its memory controllers for use in compact flash cards that infringe the '067 patent and the
11 licensing of its memory controller technology.

12 61. Lexar's conduct violates 35 U.S.C. § 271.

13 62. Lexar's conduct constitutes infringement of the '067 patent.

14 *Relief Sought*

15 Wherefore, Plaintiff Toshiba prays for a judgment against Lexar:

16 A. that Lexar, its officers, directors, employees, agents, attorneys, privies, successors,
17 and assigns, and all persons and entities acting in concert or participation with it, under its authority
18 or control, or on its behalf, be permanently enjoined from further infringement of the patents in suit;

19 B. that Lexar has infringed the patents in suit;

20 C. that Lexar's infringement as to at least seven of the nine patents in suit has been
21 willful;

22 D. that Plaintiff Toshiba be awarded monetary damages for all damages incurred as a
23 result of Lexar's infringement, increased threefold for willful infringement, pursuant to 35 U.S.C.
24 § 284;

25 E. that Plaintiff Toshiba be awarded reasonable attorney fees pursuant to 35 U.S.C.
26 § 285;

27 F. that Plaintiff Toshiba be awarded its costs in this action;

1 G. that Plaintiff Toshiba be awarded such other relief as this Court may deem just and
2 appropriate.

3
4 Respectfully submitted,

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23 Attorneys for Plaintiff Toshiba Corporation

24 Dated: February 7, 2003


25 By: 
26 Erik R. Puknys

27 CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

28 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, and to the best of
his knowledge, there is no such interest to report.

FINNEGAN, HENDERSON, FARABOW,
GARRET & DUNNER L.L.P.

Dated: February 7, 2003

By: 
Erik R. Puknys
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TOSHIBA CORPORATION