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CV 16 80 164MISC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

14 EMERSON ELECTRIC CO., FISHER-
ROSEMOUNT SYSTEMS, INC., and
15 ROSEMOUNT INC.,

16 Plaintiffs,

17 v.

18 SIPCO, LLC and IP CO, LLC.,

19 Defendants.

Civil Action No. 1:15-cv-00319-AT

**SIPCO, LLC AND IP CO, LLC'S
MOTION TO COMPEL
PRODUCTION AND TESTIMONY
FROM LINEAR TECHNOLOGY
CORPORATION**

[COURTESY COPY]

FILED
JUL 29 2016
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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1 **I. INTRODUCTION**

2 SIPCO, LLC and IP CO, LLC (together hereinafter “SIPCO”) respectfully
3 request this Court to order non-party Linear Technology Corporation (“Linear”) to
4 comply with document and deposition subpoenas served in patent infringement
5 cases pending in the Northern District of Georgia because Linear supplies
6 transceivers and operative software that is incorporated into the accused products,
7 and discovery relating to same is important to both cases. For the reasons set forth
8 below, SIPCO respectfully requests that the Court grant this motion.
9
10

11 **II. BACKGROUND**

12 SIPCO and IP CO are small research, development, and technology
13 companies focusing on wireless control applications and systems. SIPCO’s
14 founder, David Petite, is widely recognized as an early pioneering inventor of such
15 mesh network technology. He is a named inventor on many of the asserted patents,
16 and remains with the company at this time. *See* Ex. A, Defendants SIPCO, LLC’S
17 and IP Co’, LLC’S Answer, Affirmative Defenses, and Counterclaims to Plaintiffs’
18 Complaint (“Georgia Answer”) at ¶¶ 10-13; Ex. B, First Amended Complaint for
19 Patent Infringement (“Texas Complaint”) at ¶¶ 59-61, 63, both appended to the
20 Declaration of James Hall (“Hall Decl.”)¹, filed herewith. The companies
21 developed a substantial patent portfolio, and the technology held by SIPCO and IP
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27 ¹ Hereinafter, all citations to exhibits refer to those filed with the Hall Decl.

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