

1 QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
2 James R. Asperger (Bar No. 083188)  
jimasperger@quinnemanuel.com  
3 Bryan C. Hathorn (Bar No. 294413)  
bryanhathorn@quinnemanuel.com  
4 865 S. Figueroa St., 10th Floor  
Los Angeles, California 90017  
5 Telephone: (213) 443-3000  
Facsimile: (213) 443-3100

6 Kevin P.B. Johnson (Bar No. 177129)  
7 kevinjohnson@quinnemanuel.com  
Mark Yeh-Kai Tung (Bar No. 245782)  
8 marktung@quinnemanuel.com  
555 Twin Dolphin Drive, 5th Floor  
9 Redwood Shores, California 94065  
Telephone: (650) 801-5000  
10 Facsimile: (650) 801-5100

11 *Attorneys for Plaintiff*  
12 *California Institute of Technology*

13 *[Additional counsel listed on signature page]*

14 UNITED STATES DISTRICT COURT

15 CENTRAL DISTRICT OF CALIFORNIA

16 The CALIFORNIA INSTITUTE OF  
TECHNOLOGY, a California  
17 corporation,

18 Plaintiff,

19 v.

20 HUGHES COMMUNICATIONS, INC.,  
a Delaware corporation, HUGHES  
21 NETWORK SYSTEMS, LLC, a  
Delaware limited liability company,  
22 DISH NETWORK CORPORATION, a  
Nevada corporation, DISH NETWORK  
23 L.L.C., a Colorado limited liability  
company, and DISHNET SATELLITE  
24 BROADBAND L.L.C., a Colorado  
limited liability company,

25 Defendants.  
26

CASE NO. 2:13-CV-07245-MRP  
(JEMx)

**PLAINTIFF CALIFORNIA  
INSTITUTE OF TECHNOLOGY'S  
MOTION FOR LEAVE TO  
AMEND THE COMPLAINT**

Hon. Mariana R. Pfaelzer

28

CALTECH EXHIBIT 0004

**TABLE OF CONTENTS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Page**

- I. INTRODUCTION ..... 1
- II. STATEMENT OF FACTS..... 2
  - A. Caltech’s Initial Complaints ..... 2
  - B. Caltech Has Repeatedly Sought Discovery Regarding Relevant Entities and Products..... 3
  - C. Caltech Seeks to Add Related Entities and Products..... 5
- III. ARGUMENT ..... 6
  - A. Rule 15(a) Requires that Leave to Amend Should Be “Freely” Granted ..... 6
  - B. Caltech’s Proposed Amendments Do Not Unfairly Prejudice Defendants..... 7
  - C. Caltech’s Proposed Amendments Will Not Cause Undue Delay ..... 8
    - 1. Caltech’s Proposed Amendments Will Not Result In Delay ..... 9
    - 2. Caltech Is Timely Seeking To Amend Its Complaint ..... 9
  - D. Caltech Seeks to Amend Its Complaint In Good Faith..... 11
  - E. Caltech’s Amendments Have Merit..... 11
  - F. Caltech Only Amended the Complaint Once ..... 12
  - G. Judicial Economy Favors Amendment in These Circumstances..... 12
- IV. CONCLUSION ..... 13

**TABLE OF AUTHORITIES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Page**

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*Beery v. Hitachi Home Elecs. (Am.), Inc.*,  
157 F.R.D. 481 (C.D. Cal. 1994)..... 6

*DCD Programs, Ltd. v. Leighton*,  
833 F.2d 183 (9th Cir. 1987)..... 6, 7, 10

*Deakyne v. Comm'n of Lewes*,  
416 F.2d 290 (3d Cir. 1969) ..... 10, 11

*Eminence Capital, LLC v. Aspeon, Inc.*,  
316 F.3d 1048 (9th Cir. 2003)..... 6, 7

*F.D.I.C. v. Jackson-Shaw Partners No. 46, Ltd.*,  
Civ. No. 92–20556, 1994 WL 669879 (N.D. Cal. Nov. 18, 1994) ..... 7

*Foman v. Davis*,  
371 U.S. 178 (1962) ..... 11, 13

*Golden Hour Data Sys., Inc. v. Health Servs. Integration, Inc.*,  
No. C 06-7477, 2008 WL 2622794 (N.D. Cal. July 1, 2008) ..... 10

*Howey v. United States*,  
481 F.2d 1187 (9th Cir. 1973)..... 10

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648 F.2d 1252 (9th Cir. 1981)..... 10

*IXYS v. Advanced Power Tech., Inc.*,  
No. C 02–03942, 2004 WL 135861 (N.D. Cal., Jan. 22, 2004)..... 8, 12

*Islamic Republic of Iran v. Boeing Co.*,  
771 F.2d 1279 (9th Cir. 1985)..... 10

*Jardin v. Datallegro, Inc.*,  
No. 10–CV–2552, 2011 WL 1897164 (S.D. Cal. May 17, 2011) ..... 10

*Johnson v. Buckley*,  
356 F.3d 1067 (9th Cir. 2004)..... 6

*Keniston v. Roberts*,  
717 F.2d 1295 (9th Cir. 1983)..... 7

*Miller v. Rykoff-Sexton, Inc.*,  
845 F.2d 209 (9th Cir. 1988)..... 11

*Morongo Band of Mission Indians v. Rose*,  
893 F.2d 1074 (9th Cir. 1990)..... 6, 9

1 *SAES Getters, S.p.A. v. Aeronex, Inc.*,  
219 F. Supp. 2d 1081 (S.D. Cal. 2002) ..... 11

2

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813 F.2d 1480 (9th Cir. 1987), *vacated on other grounds*, 485 U.S. 931 (1988).. 7

4 *Soroksky v. Burroughs Corp.*,  
826 F.2d 794 (9th Cir. 1987) ..... 11

5

6 *Tourgeman v. Collins Fin. Servs, Inc.*,  
No. 08-CV-1392, 2010 WL 4817990 (S.D. Cal. Nov. 22, 2010) ..... 8, 9

7 *United States v. Webb*,  
655 F.2d 977 (1981) ..... 6

8

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9

10 Fed.R.Civ.P. 15.....*passim*

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1 **I. INTRODUCTION**

2 Caltech seeks leave to amend its Complaint to name EchoStar Corporation,  
3 EchoStar Technologies LLC, and EchoStar Satellite Services LLC. These entities  
4 are within the same corporate family as the named Hughes Defendants<sup>1</sup>, and they  
5 provide set-top box receivers or satellite services to certain of the named Dish  
6 Defendants<sup>2</sup>. Caltech further seeks to amend its Complaint to identify additional  
7 set-top box receivers<sup>3</sup> based on Caltech's already-identified infringement theories.<sup>4</sup>

8 There is a strong presumption favoring liberal amendment of claims created  
9 by the Federal Rules and embraced by the Ninth Circuit. Caltech's amendments do  
10 not expand the scope of this case to new corporate families or types of products.  
11 Nor do the amendments allege new and distinct infringement theories. Rather, as  
12 with the previously accused products, all claims are based on the encoding and/or  
13 decoding of DVB-S2 compliant signals. For these and other reasons set forth  
14 below, Defendants cannot credibly claim any prejudice arising from Caltech's  
15 amendment.

16

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20 <sup>1</sup> "Hughes Defendants" include Hughes Communications, Inc. and Hughes  
Network Systems, LLC.

21 <sup>2</sup> "Dish Defendants" include Dish Network Corporation, Dish Network L.L.C.,  
and dishNET Satellite Broadband L.L.C.

22 <sup>3</sup> Caltech seeks to amend its Complaint to identify the following set-top box  
23 receivers: the ViP922, ViP722k, ViP622, ViP612c, ViP612, ViP222k, ViP211z, and  
ViP211k.

24 <sup>4</sup> To avoid confusion, Caltech inserted additional clarifications in its proposed  
25 Second Amended Complaint and clarified the factual bases for its claims. In  
26 particular, to avoid any confusion over the term "implement the DVB-S2  
27 standard," Caltech revised these assertions to more clearly allege that Defendants'  
products and services "encode signals in accord with the DVB-S2 standard and/or  
28 decode such signals."

28

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