

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SYMBOL TECHNOLOGIES, INC.,)
)
Plaintiff,)
)
v.)
)
JANAM TECHNOLOGIES LLC,)
)
Defendant.)

Civil Action No. 08-340-JJF-LPS

REDACTED

ORDER

At Wilmington this 16th day of October 2008, the Court having reviewed the letters submitted by the parties on October 15, 2008 (D.I. 81) and October 16, 2008 (D.I. 82),

1. It appearing that on October 14, 2008, Symbol produced to Janam for the first time a spreadsheet (the "spreadsheet"); and

2. It further appearing that the newly-produced spreadsheet was relied upon by Symbol's declarant, Brian Viscount, in support of Symbol's irreparable harm allegations; and

3. It further appearing that had the spreadsheet been produced in a timely manner in accordance with the scheduling order (D.I. 31) that Janam would have had an opportunity to depose Mr. Viscount about it; and

4. It further appearing that both parties agree Janam is entitled to depose Mr. Viscount about the spreadsheet but they disagree as to the timing of a resumption to that deposition, with Janam seeking the resumed deposition prior to the filing of its opposition to Symbol's preliminary injunction motion, now due on October 20, 2008 (D.I. 81 at 3), and Symbol preferring that the resumption of the deposition be deferred until

after briefing is completed on its preliminary injunction motion, on November 21, 2008 (D.I. 82 at 3);

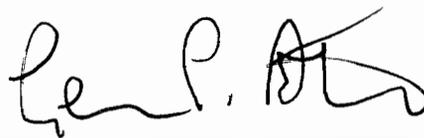
IT IS HEREBY ORDERED THAT Janam is entitled to a resumption of Mr. Viscount's deposition prior to filing its answering brief in opposition to Symbol's preliminary injunction motion. Such resumption of the deposition will put Janam in the same position it would have been in had Symbol not inadvertently failed to produce the spreadsheet in a timely manner. Janam is not required to rely on Symbol's representation that there is no relevance to the spreadsheet but is entitled to an opportunity to explore its potential relevance for itself.

IT IS FURTHER HEREBY ORDERED THAT Symbol shall make its witness, Brian Viscount, available for a resumption of his deposition no later than October 21, 2008. The resumed deposition shall be limited to three (3) hours of testimony and shall be further limited to issues directly relating to "Symbol's recent production of a spreadsheet ('2008 Business Plan'), SBLJ0025160-SBLJ0025163" (D.I. 82 at 1) and the impact of this spreadsheet on Mr. Viscount's testimony and/or opinions.

IT IS HEREBY FURTHER ORDERED THAT Janam's answering brief in opposition to Symbol's motion for a preliminary injunction shall be due no later than October 27, 2008. In all other respects the scheduling order currently in place (D.I. 31) remains in effect.

IT IS HEREBY FURTHER ORDERED THAT within ten days of the date of this Order the parties shall jointly file a proposed public version of this Order, to the extent they believe in good faith it contains any information that should remain under seal.

Local counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.

A handwritten signature in black ink, appearing to read "L. P. [unclear]", written in a cursive style.

UNITED STATES MAGISTRATE JUDGE