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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DISPLAYLINK CORPORATION, a Washington Corporation

Plaintiff,

vs.

MAGIC CONTROL TECHNOLOGY, CORPORATION, a Taiwanese Corporation;

Defendant.

AND RELATED COUNTERCLAIMS

Case No.: 5:07-CV-01998-RMW

MAGIC CONTROL TECHNOLOGY'S AMENDED NOTICE OF MOTION TO STRIKE THE JONES DECLARATION AND CORRESPONDING PORTIONS OF DISPLAYLINK CORPORATION'S RESPONSIVE BRIEF

Hearing
Date: April 18, 2008
Time: 9:00 a.m.
Courtroom: 6

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the Notice of Motion and Motion previously filed and served on March 3, 2008 setting the date for the hearing on April 29, 2008 at 9:00 a.m., has been changed to set the date for the hearing on April 18, 2008 at 9:00 a.m., per agreement between the parties. Defendant/Counterclaim-plaintiff Magic Control Technology, Corporation ("MCT")

will and hereby does move for an order striking the Declaration of Alan H. Jones Ph.D., Exhibits 9, 11-16, as well as the undisclosed web pages cited in the Jones Declaration and portions of DisplayLink's Responsive Brief that correspond to the Jones Declaration. This motion is brought pursuant Patent Local Rules 4-3 and 4-4, on the grounds that (1) DisplayLink improperly uses extrinsic evidence that it failed to produce in discovery, identify in the Joint Claim Construction Statement ("Joint Statement") or refer to in the deposition of Dr. Jones ("Jones Deposition"); (2) DisplayLink improperly uses extrinsic evidence that it produced in this litigation, but failed to identify in the Joint Statement or refer to in the Jones Deposition; (3) DisplayLink attempts to incorporate web pages without labeling such references as exhibits and without previously citing these web pages ("undisclosed web pages"); and (4) Display Link failed to disclose the extensive substance of Dr. Jones' 27-page Declaration in the Joint Statement that was referred to over 100 times in its Responsive Brief - all of which unduly prejudiced MCT.

This motion is based on this Notice of Motion, the Memorandum of Points and Authorities, the Declaration of Erick P. Wolf filed and served on March 3, 2008, all papers and pleadings on file in this action, and upon such other matters as may be presented to the Court at the time of the hearing.

Dated: March 5, 2008

WANG, HARTMANN, GIBBS & CAULEY, PC
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By: _____
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Erick P. Wolf

Attorneys for Defendant
Counterclaim Plaintiff