UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

(OAKLAND DIVISION)

MIZUHO ORTHOPEDIC SYSTEMS, INC., a Delaware Corporation Plaintiff, v. STERIS CORPORATION, a Delaware Corporation, Defendant.	Case No. 13 – CV – 01077 – JSW (KAW) ORDER ON PLAINTIFF'S MOTION FOR LEAVE TO FILE PROPOSED AMENDED PATENT L.R. 3-1 AND 3-2 DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS PURSUANT TO PATENT L.R. 3 – 6

Before the Court is Plaintiff's Motion for Leave to its Disclosure of Asserted Claims & Infringement Contentions. Because the motion is unopposed, it is suitable for resolution without oral argument pursuant to Civil L.R. 7-1(b).

Except under circumstances not present here, and particularly in the early stage of a lawsuit, the Court grants leave to amend pleadings with "extreme liberality." *See Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003). In this case, the Initial Case Management Conference was held June 21, 2013; beyond the claims construction/Markman hearing the presiding judge has not set any case deadlines; and Plaintiff served its original Disclosure of Asserted Claims & Infringement Contentions on July 12, 2013. The parties have met and conferred concerning affording defendant additional time, if necessary to complete and serve its Patent L.R. 3 – 3 and 3 – 4 Invalidity Contentions. The time for filing any opposition to Plaintiff's Motion for Leave to Amend the Complaint has elapsed; no opposition was filed. Under the circumstances, the Court can only conclude that no prejudice would result from

permitting amendment. The court also finds that Plaintiff has demonstrated good cause to permit the amendment.

Plaintiff's Motion for Leave to Amend the Complaint is GRANTED. Plaintiff shall serve its amended Disclosure of Asserted Claims & Infringement Contentions, including any supplement documents under Patent L.R. 3 – 4, by October 15, 2013.

IT IS SO ORDERED.

Dated: September 30, 2013

KANDIS A. WESTMORE
United States Magistrate Judge