United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MIZUHO ORTHOPEDIC SYSTEMS, INC., Plaintiff, v. STERIS CORPORATION, Defendant.	Case No. CV 13-01077-JSW (KAW) ORDER GRANTING STERIS CORPORATION'S UNOPPOSED MOTION FOR LEAVE TO AMEND INVALIDITY CONTENTIONS (Dkt. No. 35)

Before the Court is Defendant STERIS Corporation's Unopposed Motion for Leave to Amend Invalidity Contentions. As the motion is unopposed, it is suitable for resolution without oral argument pursuant to Civil L.R. 7-1(b).

STERIS served its original Invalidity Contentions on August 30, 2013. Thereafter, Mizuho produced a sales brochure that is visually identical to the femur hook shown in the '353 Patent. This satisfies the good cause requirement in Patent L.R. 3-6, because the publication is a "recent discovery of material, prior art despite earlier diligent search." Patent L.R. 3-6(b).

Further, the parties have met and conferred and Plaintiff does not oppose STERIS' Motion. As a result, the Court concludes that no undue prejudice would result from permitting amendment.

Accordingly, STERIS' Motion is GRANTED. STERIS shall serve its Amended Invalidity Contentions, including any supplement documents required by Patent L.R. 3-4, no later than December 5, 2013.

IT IS SO ORDERED.

Dated: November 21, 2013

KANDIS A. WESTMORE
United States Magistrate Judge