

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**IN RE PAPST LICENSING GMBH & CO.
KG LITIGATION**

**This Document Relates To:
Casio v. Papst, 06-1751**

**Misc. Action No. 07-493 (RMC);
MDL Docket No. 1880**

**FOURTH ORDER REGARDING CASIO/PAPST DISCOVERY: REGARDING CASIO'S
MOTIONS FOR SANCTIONS**

Pending before the Court for decision are two motions [Dkt. ## 37 & 38] filed by Casio Inc. ("Casio USA") and Casio Computer Company, Ltd. ("Casio Japan") (collectively "Casio") in June 2007 seeking sanctions and attorney fees based on discovery misconduct committed by Papst Licensing GMBH & Co. KG ("Papst") last spring. The underlying litigation has since been transformed into a multidistrict litigation proceeding and transferred to the undersigned. It is focused on Papst's claims that Casio and other manufacturers of digital cameras infringe on two U.S. patents as to which Papst has rights.

By its prior opinions and orders, this Court sanctioned Papst for its discovery abuses. *See* First Order Regarding Casio/Papst Discovery filed April 24, 2008 [Dkt. # 77]; Second Mem. Op. & Order Regarding Casio/Papst Discovery filed May 6, 2008 [Dkt. ## 82 & 83]; Third Order Regarding Casio/Papst Discovery filed May 19, 2008 [Dkt. # 102]. Casio pursues additional sanctions by way of the extant motions, which it re-filed – without change or update – in this

docket.¹

The Court concludes that no further sanctions are necessary on these motions. Further, more recent, discovery disputes still distract these warring parties, and the Court will address those separately. However, these 2007 motions can be safely laid to rest. Papst has been ordered to divulge all requested information without reliance on any privileges, other than relevance. Its discovery to Casio has been stricken and it has been precluded from advancing additional formal discovery on Casio because the period for discovery was closed by the prior presiding judge. Such sanctions are severe enough. Casio's motion for sanctions [Dkt. # 37] is **DENIED**. It is further ordered that Casio's request for sanctions, as incorporated into its motion to strike and for sanctions [Dkt. # 38], is **DENIED**.²

SO ORDERED.

DATE: June 4, 2008

_____/s/_____
ROSEMARY M. COLLYER
United States District Judge

¹ Casio's motion for sanctions was originally filed in Case No. 06-1751 as Dkt. # 47 and was refiled in this multidistrict case as Dkt. # 37. Casio's motion to strike and for sanctions was originally filed in Case No. 06-1751 as Dkt. # 48 and was refiled in this multidistrict case as Dkt. # 38.

² In the First Order Regarding Casio/Papst Discovery, filed April 24, 2008 [Dkt. # 77], the Court granted in part and held in abeyance in part Casio's motion to strike and for sanctions [Dkt. 38]. The Court granted Casio's motion to strike but held in abeyance its request for sanctions. This Order denies the request for sanctions.