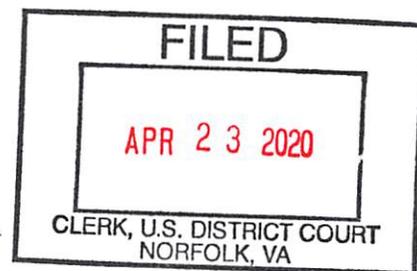


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



CENTRIPETAL NETWORKS, INC., )  
)  
Plaintiff, )  
v. )  
)  
CISCO SYSTEMS, INC., )  
)  
Defendants. )

Civil Action No. 2:18cv94

**ORDER**

This matter is before the Court on Defendant Cisco Systems, Inc, (“Cisco”) Motion Opposing Trial Entirely by Videoconference. Doc. 387. For the following reasons herein, Cisco’s Motion is **DENIED**. In light of the ongoing national emergency with respect to the coronavirus pandemic, the United States District Court for the Eastern District of Virginia has issued the following general orders, providing temporary emergency video and teleconferencing for civil and criminal hearings, including the use of Zoomgov for remote proceedings, when consent is provided in accordance with applicable statutes and rules of the Judicial Conference of the United States. See General Order 2020-09/ Authorization to Use Video Teleconferencing Pursuant to the CARES Act; General Order 2020-11/ Public Access to Remote Hearings.

In its Motion, Cisco raises a variety of objections to the Court decision to hold the trial of the case by Zoom’s videoconference platform. Cisco objects to the lack of security on the Zoom platform stating that their confidential material may be made available to the public during a video trial. This is not a meritorious argument to warrant the non-use of Zoom because a trial in the courtroom would similarly be open to the public. As a solution to other security concerns, Cisco suggests the Court should use Cisco’s platform WebEx as an alternative to Zoom. The

Court declines this suggestion as any technological failure that may occur while using the WebEx software would open Cisco up to prejudicial accusations. Nevertheless, Counsel is free to use any software of their choosing to communicate between each other during trial. The Court notes that the use of outside communication software during the video trial enhances the ability of co-counsel to easily communicate when compared to sitting in the courtroom.

Moreover, national security has been presented as a reason to expedite the trying of this case by Zoom during the COVID-19 pandemic. Cisco, now, objects to these concerns noting that Plaintiff Centripetal's technology is not currently used in any national security context. However, Cisco's technology is currently used in the national security context and to the extent, if any, it overlaps with Centripetal technology, it may have a direct impact on national security. Additionally, this trial concerns the protection of intellectual property. The protection of intellectual property is of paramount concern and the Court seeks to resolve the matter with a sense of urgency. Therefore, for these reasons, the Court finds ample grounds to proceed expeditiously with the resolution of this case.

Next, Cisco cites concerns about its ability to effectively cross examine witnesses by video. This objection fails for two reasons. First, both parties are required to disclose all exhibits, except those for used for purposes of impeachment, in advance of trial and therefore both sides will know what evidence is intended to be presented at trial. Second, both parties are required to prepare an exhibit book. These books are not required to be exchanged until the beginning of direct examination and cross examination of each witness. Therefore, Cisco's concerns regarding cross examination are unfounded. Cisco's has cited additional concerns regarding the Rule of Sequestration. If called upon to do so, the Court will impose its usual limitation upon witness discussing testimony with one another or counsel discussing past testimony with the witness in

