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15 Attorneys for Plaintiff
 Nuance Communications, Inc.

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION

20 NUANCE COMMUNICATIONS, INC.,
 21 Plaintiff,
 22 v.
 23 ABBYY USA SOFTWARE HOUSE, INC., a
 California corporation, ABBYY SOFTWARE,
 24 LTD., a Cyprus corporation, ABBYY
 PRODUCTION, LLC, a Russian corporation, and
 25 LEXMARK INTERNATIONAL, INC., a
 Delaware corporation,
 26 Defendants.
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Case No. C 08-02912 JSW MEJ
**STIPULATION AND
 [PROPOSED] ORDER
 REGARDING PRETRIAL CASE
 SCHEDULE**

1 Pursuant to Civil L.R. 6-2, Plaintiff Nuance Communications, Inc. (“Nuance”), and
 2 Defendants ABBYY Software House, Inc., ABBYY Software, Ltd., ABBY Production, LLC, and
 3 Lexmark International, Inc. (collectively, “Defendants”) file this joint stipulation regarding the
 4 schedule for certain pretrial exchanges, filings, and evidentiary motions.

5 WHEREAS, the Court’s April 2, 2013 Order Setting Schedule (“Scheduling Order”) (Dkt.
 6 No. 649) set the Pretrial Conference for July 22, 2013, at 2:00 p.m., Jury Selection for August 7,
 7 2013, at 8:00 a.m., and Trial for August 12, 2013, at 8:00 a.m.;

8 WHEREAS, the Court’s Guidelines for Trial and Final Pretrial Conference in Civil Jury
 9 Cases, paragraphs 1-3 (“Guidelines”), set forth deadlines and requirements for certain pretrial
 10 filings and evidentiary motions;

11 WHEREAS, to aid efficient and cooperative trial preparation, the parties wish to propose
 12 additional and adjusted dates consistent with the Court’s Scheduling Order and Guidelines; and

13 WHEREAS, the adjusted dates do not extend any deadline beyond those dates currently
 14 set by the Court.

15 NOW, THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the
 16 parties, through their respective counsel, that the following pretrial schedule shall be adopted:

Task	Due Date
Last day for Nuance to serve (but not file) draft proposals for the joint filings set forth in the Court’s Guidelines, including: <ol style="list-style-type: none"> <li data-bbox="337 1409 1136 1478">(1) proposed Joint Final Pretrial Order (only items required by paragraph 1(i)-(iv)); <li data-bbox="337 1499 1081 1568">(2) proposed jury instructions on substantive issues of law (paragraph 2(a)); <li data-bbox="337 1589 1003 1623">(3) proposed statement of the case (paragraph 2(c)); <li data-bbox="337 1644 1029 1677">(4) proposed <i>voir dire</i> questions (paragraph 2(d)); and <li data-bbox="337 1698 997 1732">(5) proposed special verdict forms (paragraph 2(j)). 	June 4, 2013

Task	Due Date
<p data-bbox="289 268 683 300">Last day to serve (but not file):</p> <ol style="list-style-type: none"> <li data-bbox="337 321 1084 394">1) a list of exhibits to be used at trial other than solely for impeachment or rebuttal; <li data-bbox="337 415 1166 489">2) all summaries, charts, and diagrams to be used as evidence at trial other than solely for impeachment or rebuttal; <li data-bbox="337 510 1117 583">3) lists of witnesses to be called at trial other than solely for impeachment or rebuttal; <li data-bbox="337 604 1166 678">4) excerpts of deposition testimony and other discovery to be offered at trial other than solely for impeachment or rebuttal; <li data-bbox="337 699 1101 793">5) excerpts of responses to interrogatories and requests for admissions to be offered at trial other than solely for impeachment or rebuttal; and <li data-bbox="337 814 781 846">6) proposed certified translations. <p data-bbox="289 867 1190 1077">Evidence or testimony “other than solely for impeachment or rebuttal” shall mean evidence or testimony that a party reasonably anticipates introducing at trial, including any evidence a party reasonably anticipates relying on in opposing claims of infringement or invalidity, such as evidence or testimony relating to non-infringement or secondary indicia of non-obviousness.</p> <p data-bbox="289 1098 1190 1161">“Summaries, charts, and diagrams to be used as evidence at trial” shall not include demonstratives that will not be introduced into evidence.</p>	<p data-bbox="1222 268 1401 300">June 11, 2013</p>
<p data-bbox="289 1192 1166 1266">Last day to file administrative motion to increase number of motions <i>in limine</i> under paragraph 2(i) of the Court’s Guidelines.</p>	<p data-bbox="1222 1192 1401 1224">June 18, 2013</p>
<p data-bbox="289 1297 1157 1413">Last day for Defendants to serve (but not file) written responses and additions to the draft proposals for the joint filings set forth in the Court’s Guidelines (served by Nuance on June 4, 2013), including:</p> <ol style="list-style-type: none"> <li data-bbox="337 1434 1141 1507">(1) proposed Joint Final Pretrial Order (only items required by paragraph 1(i)-(iv)); <li data-bbox="337 1528 1084 1602">(2) proposed jury instructions on substantive issues of law (paragraph 2(a)); <li data-bbox="337 1623 1003 1654">(3) proposed statement of the case (paragraph 2(c)); <li data-bbox="337 1675 1027 1707">(4) proposed <i>voir dire</i> questions (paragraph 2(d)); and <li data-bbox="337 1728 995 1759">(5) proposed special verdict forms (paragraph 2(j)). 	<p data-bbox="1222 1297 1401 1329">June 18, 2013</p>

Task	Due Date
Last day to serve (but not file): <ol style="list-style-type: none"> 1) motions <i>in limine</i>; 2) objections to exhibits, deposition designations, and designations of other discovery; 3) counter-designations of deposition testimony; and 4) objections to proposed certified translations and alternative proposed translations. 	June 25, 2013
In-person meet and confer.	June 30, 2013
Last day to serve (but not file) objections to counter-designations of deposition testimony.	July 1, 2013
Last day to serve (but not file) oppositions to motions <i>in limine</i> .	July 2, 2013
Last day to serve (but not file) memoranda of law addressing disputed jury instructions.	July 2, 2013
Last day to meet requirements under paragraphs 1-3 of the Court's Guidelines, which includes filing: <ol style="list-style-type: none"> 1) proposed Joint Final Pretrial Order (paragraph 1); 2) proposed jury instructions on substantive issues of law (paragraph 2(a)); 3) statement of the case (paragraph 2(c)); 4) proposed <i>voir dire</i> questions (paragraph 2(d)); 5) trial brief on controlling issues of law (paragraph 2(e)); 6) excerpts of deposition designations that are to be used in a party's case-in-chief as to which there are objections, including the basis for the objection and response thereto (paragraph 2(f)); 7) excerpts of responses to interrogatories and requests for admissions that are to be used in a party's case-in-chief as to which there are objections, including the basis for the objection and response thereto (paragraph 2(g)); 8) list of objections to each exhibit in tabular form (paragraph 2(h)); 9) proposed special verdict forms (paragraph 2(j)); and 10) all <i>in limine</i> briefing. 	July 3, 2013

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Task	Due Date
File joint report regarding unresolved translation issues, including competing translation and supporting reasons.	July 3, 2013

IT IS SO STIPULATED.

Dated: May 9, 2013

MORRISON & FOERSTER LLP

By: /s/ Brooks M. Beard
BROOKS M. BEARD

Attorneys for Plaintiff
NUANCE COMMUNICATIONS,
INC.

Dated: May 9, 2013

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

By: /s/ John Williamson
John Williamson

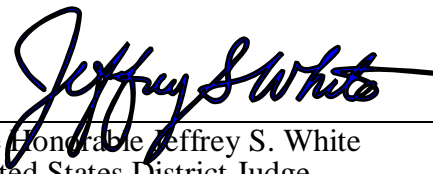
Attorneys for Defendants
ABBYY USA SOFTWARE HOUSE,
INC., ABBYY SOFTWARE, LTD.,
ABBYY PRODUCTION, LLC, and
LEXMARK INTERNATIONAL, INC.

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ORDER

Based on the foregoing stipulation, it is so ORDERED.

Dated: May 10, 2013



The Honorable Jeffrey S. White
United States District Judge