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13 ATTORNEYS FOR DEFENDANT
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14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**

17 TECHNOLOGY LICENSING COMPANY,
 INC., a California Corporation,

18 Plaintiff,

19 v.

20 JWIN ELECTRONICS CORP. and J & R
 ELECTRONICS,

21 Defendants.

CASE NO.: 5:08-cv-03802-JSW

Action Filed: August 8, 2008

**JOINT CASE MANAGEMENT
 STATEMENT AND ~~PROPOSED~~
 ORDER**

AND VACATING CASE MANAGEMENT
 CONFERENCE

1 Pursuant to Civil L.R. 16-9(a) and Patent L.R. 2-1(a), Plaintiff Technology Licensing
2 Company. (“TLC”) and Defendant jWIN Electronics Corp. (“jWIN”) jointly submit this Case
3 Management Statement and Proposed Order and request the Court to adopt it as the Case
4 Management Order in this case.

5 **DESCRIPTION OF THE CASE**

6 **1. A brief description of the events underlying the action:**

7 This is an action for patent infringement filed by Plaintiff TLC alleging
8 infringement of U.S. Patent No. 5,734,862 (the ‘862 patent).

9 **2. Principal factual issues which the parties dispute:**

10 (a) The parties dispute all of the factual issues underlying a determination of the
11 validity of the ‘862 patent, whether it is enforceable, whether it is infringed, whether any remedy is
12 thereby appropriate, and, if so, the amount thereof.

13 (b) TLC is seeking damages in the amount no less than a reasonable royalty,
14 depending on Defendant’s sales of infringing products which will be determined during Discovery.

15 **3. The principal legal issues which TLC and jWIN dispute:**

16 (a) Whether the ‘862 patent is invalid and unenforceable under 35 U.S.C. §§ 102,
17 103, and 112.

18 **4. Other issues:**

19 The parties do not anticipate any additional issues in dispute at this time.

20 **5. Service:**

21 (a) Defendant J & R Electronics has not yet been served.

22 (b) TLC has no present intention to join any additional parties. jWIN also has no
23 intention to join additional parties. The parties, however, reserve the right to add parties and
24 claims during the course of discovery.

25 **5. Consent to assignment of this case to a United States Magistrate Judge for
26 trial:**

27 (a) TLC does not consent to having this case assigned to a United States Magistrate
28 Judge.

1 (b) jWIN does not consent to having this case assigned to a United States
 2 Magistrate Judge.

3 **ALTERNATIVE DISPUTE RESOLUTION**

4 **6. The parties have not filed a Stipulation and Proposed Order Selecting an ADR
 5 process and the ADR process that the parties jointly request is:**

6 (a) TLC and jWIN jointly request Mediation.

7 **7. Please indicate any other information regarding ADR process or deadline.**

8 (a) The parties have been discussing settlement on their own and, as of the date of
 9 this case management statement, the parties are close to reaching a settlement.

10 **DISCLOSURES**

11 **8. The parties certify that they have made the following disclosures:**

12 The parties had anticipated that the case would have been settled by now. Because the case
 13 has not settled:

14 (a) TLC and jWIN are in the process of meeting and conferring pursuant to Federal
 15 Rule of Civil Procedure 26(f). In addition, they are in the process of making the required
 16 disclosures pursuant to the Patent Local Rules.

17 **DISCOVERY** shall be referred to a randomly assigned
 magistrate judge.

18 **9. The parties agree to the following discovery plan:**

19 (a) Limitations: The parties do not anticipate any discovery limitations at this time
 20 beyond those set forth herein and in the Federal Rules of Civil Procedure.

21 (b) jWIN requests that the Stipulated Protective Order for the Northern District of
 22 California be adopted.

23 (c) In all other respects, the parties agree to abide by the presumptive limits set
 24 forth in the Federal Rules of Civil Procedure.

25 (d) Schedule:

Written and fact deposition discovery commences:	March 16, 2009
Designation of Direct Expert Witnesses:	Defer until after <i>Markman</i> order issues
Designation of Rebuttal Expert Witnesses:	
Fact Discovery Closes:	
Direct Expert Reports Due:	

1	Depositions of Direct Expert Witnesses:	
2	Rebuttal Expert Reports Due:	
3	Depositions of Rebuttal Expert Witnesses:	

4

5 **TRIAL SCHEDULE**

6 **10. TLC and jWIN request a 2010 trial date.**

7 **11. TLC and jWIN expect that the trial will last for 10 days.**

8

9 **PATENT-RELATED ISSUES PURSUANT TO PATENT L.R. 2-1(A)**

10 **12. Proposed modification of deadlines provided in the Patent Local Rules and its**
effect on the date and time of the Claim Construction Hearing, if any:

11 Assuming that the Case Management Conference is held on March 13, 2009, TLC and
 12 jWIN propose the following schedule as set forth by the Patent Local Rules and by the Court's
 13 Standing Order for Patent Cases:

14	EVENT	DATE
15	CMC	March 13, 2009
16	TLC's Disclosure of Asserted Claims and Preliminary Infringement Contentions due	March 23, 2009
17	TLC's documents supporting its Disclosure due	March 23, 2009
18	jWIN's Preliminary Invalidity Contentions due	May 7, 2009
19	jWIN's documents supporting its Preliminary Invalidity Contentions due	May 7, 2009
20	Simultaneous exchange of Proposed Terms and Claim Elements for Construction The Court has a 10 term limit.	May 18, 2009
21	Meet and confer re: Proposed Terms and Claim Elements for Construction	June 1, 2009
22	Simultaneous exchange of Preliminary Claim Constructions, etc. per Patent L.R. 4-2	June 8, 2009
23	Meet and confer re: preparing a Joint Claim Construction and Pre-hearing Statement	June 22, 2009
24	Joint Claim Construction and Pre-hearing Statement due	July 7, 2009
25	Discovery on claim construction closes	August 6, 2009
26	TLC's opening brief due	August 21, 2009
27	jWIN's opposition due	September 4, 2009
28	TLC's reply due	September 11, 2009
	Tutorial	TBD
	Exchange of exhibits to be used at the Claim Construction Hearing	1 to 2 weeks prior to Claim Construction hearing

Tutorial

September 30, 2009 2:00 p.m.

Claim Construction Hearing **October 7, 2009 at 2:30 p.m.** ~~September 25, 2009~~ or TBD

13. Whether the Court will hear live testimony at the Claim Construction Hearing:

Currently, TLC and jWIN expect to present live testimony at the Claim Construction Hearing, but those positions may change through the course of discovery and briefing. Pursuant to the Court’s Standing Order for Patent Cases ¶ 9, the parties shall seek the Court’s approval should they decide to present extrinsic evidence at the Hearing.

14. The need for any limits on discovery relating to claim construction, including depositions of witnesses, including expert witnesses:

At this time, TLC and jWIN do not envision the need for any limits on discovery relating to claim construction.

15. The order of presentation at the Claim Construction Hearing:

As plaintiff, TLC will present its argument first at the Claim Construction Hearing.

16. The scheduling of a Claim Construction Prehearing Conference to be held after the Joint Claim Construction and Prehearing Statement provided for in Patent L.R. 4-3 has not been filed.

Pursuant to the Court’s Standing Order for Patent Cases ¶ 7, this provision is not applicable.

Respectfully submitted.

DATED: March 9, 2009

TECHNOLOGY LICENSING COMPANY

By /s/John W. Carpenter
John W. Carpenter, Esq.
Attorneys for Plaintiff

DATED: March 9, 2009

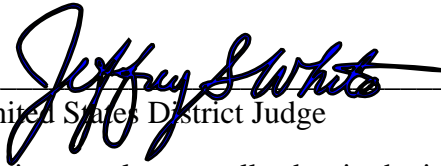
HANDAL & ASSOCIATES

By /s/Gabriel G. Hedrick
Anton N. Handal, Esq.
Gabriel G. Hedrick, Esq.
Pamela C. Chalk, Esq.
Attorneys for Defendant jWin

~~PROPOSED~~ CASE MANAGEMENT ORDER

The Case Management Statement and Proposed Order are hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order.

Dated: March 10, 2009



United States District Judge

The Court encourages the parties to continue settlement talks, but in the interim they shall submit a stipulation and proposed order formally selecting mediation to the Court by no later than March 20, 2009.

ATTESTATION OF E-FILED SIGNATURE

I, Gabriel G. Hedrick, attest that signatory John Carpenter has read and approved the JOINT CASE MANAGEMENT STATEMENT AND [~~PROPOSED~~] ORDER and consents to its filing in this action.

/s/Gabriel G. Hedrick

Gabriel G. Hedrick, Esq.