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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ACCO BRANDS USA LLC,

Plaintiff,

v.

COMARCO WIRELESS TECHNOLOGIES,
INC.,

Defendant.

Case No. C11-4378 RS

AMENDED
**CASE MANAGEMENT
SCHEDULING ORDER**

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a Case Management Conference was held on March 29, 2012. After considering the Joint Case Management Statement submitted by the parties and consulting with the attorneys of record and good cause appearing, IT IS HEREBY ORDERED THAT:

1. ALTERNATIVE DISPUTE RESOLUTION.

MEDIATION. This matter is referred to mediation to be completed within 120 days of the issuance of this order. The parties shall promptly notify the Court whether the case is resolved at the mediation.

2. DISCOVERY. On or before June 14, 2013, all non-expert discovery shall be completed

by the parties. Discovery shall be limited as follows: (a) ten (10) non-expert depositions per party;

1 (b) twenty-five (25) interrogatories per party, including all discrete subparts; (c) a reasonable
2 number of requests for production of documents or for inspection per party; and (d) a reasonable
3 number of requests for admission per party.

4 3. EXPERT WITNESSES. The disclosure and discovery of expert witness opinions shall
5 proceed as follows:

6 A. On or before July 5, 2013, parties shall disclose expert reports with respect to issues on
7 which they bear the burden of proof in accordance with Federal Rule of Civil Procedure 26(a)(2).

8 B. On or before August 2, 2013, parties shall disclose rebuttal/opposition expert reports with
9 respect to issues on which the other party bears the burden of proof in accordance with Federal Rule
10 of Civil Procedure 26(a)(2).

11 C. On or before August 30, 2013, all discovery of expert witnesses pursuant to Federal
12 Rule of Civil Procedure 26(b)(4) shall be completed.

13 4. CLAIM CONSTRUCTION SCHEDULING.

14 A. Defendant's infringement contentions and accompanying documents shall be due no later
15 than **May 14, 2012**.

16 B. Plaintiff's invalidity contentions and accompanying documents shall be due no later than
17 **June 27, 2012**.

18 C. The parties shall exchange proposed terms for construction no later than **July 18, 2012** in
19 accordance with Patent L.R. 4-1(b).

20 D. The parties shall exchange preliminary claim constructions and extrinsic evidence no
21 later than **August 1, 2012**.

22 E. The parties shall file their joint claim construction and prehearing statement no later than
23 **August 31, 2012**.

24 F. Claim construction discovery shall be completed no later than **August 31, 2012**.

25 G. Defendant shall file its opening claim construction brief with support no later than
26 **September 21, 2012**.

27 H. Plaintiff shall file its responsive claim construction briefs with support no later than
28 **October 12, 2012**.

1 I. Defendant shall file its claim construction reply brief no later than **November 2, 2012**.

2 J. A Tutorial shall take place in Courtroom 3, 17th Floor, 450 Golden Gate Avenue, San
3 Francisco, California on **November 30, 2012 at 10:00 a.m.**

4 K. A Claim Construction Hearing shall take place in Courtroom 3, 17th Floor, 450 Golden
5 Gate Avenue, San Francisco, California on **December 5, 2012 at 10:00 a.m.**

6 5. DISPOSITIVE MOTIONS. All dispositive motions must be filed and served pursuant to
7 Civil Local Rule 7. All dispositive motions shall be heard no later than September 26, 2013.

8 6. PRETRIAL MOTIONS. All pretrial motions (*e.g.*, motions *in limine*, *Daubert* motions)
9 must be filed and served pursuant to Civil Local Rule 7. All pretrial motions shall be heard no later
10 than November 21, 2013.

11 7. PRETRIAL STATEMENTS. At a time convenient to both, counsel shall meet and confer
12 to discuss preparation of a joint pretrial statement, and on or before January 9, 2014, counsel shall
13 file a Joint Pretrial Statement.

14 8. PRETRIAL CONFERENCE. The final pretrial conference will be held on **January 15,**
15 **2014 at 10:00 a.m.**, in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate
16 Avenue, San Francisco, California. Each party or lead counsel who will try the case shall attend
17 personally.

18 9. TRIAL DATE. Trial shall commence on **January 27, 2014 at 9:00 a.m.**, in Courtroom 3,
19 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California.

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21 IT IS SO ORDERED.

22 Dated: 4/3/12



23 RICHARD SEEBORG
24 UNITED STATES DISTRICT JUDGE

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