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11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 CSR TECHNOLOGY INC., a Delaware
 16 Corporation,

17 Plaintiff,

18 v.

19 FREESCALE SEMICONDUCTOR, INC.,
 a Delaware Corporation,

20 Defendant.
 21

CASE NO. 12-CV-02619-RS

~~PROPOSED~~ CASE MANAGEMENT
 ORDER

22
 23 On August 23, 2012, the Court held the Initial Case Management Conference at which
 24 Plaintiff and Counter-Defendant CSR Technology Inc. (“CSR”) and Defendant and
 25 Counterclaimant Freescale Semiconductor, Inc. (“Freescale”) appeared through their respective
 26 counsel of record. Pursuant to the Court’s Order during the Case Management Conference, IT IS
 27 HEREBY ORDERED that the following schedule shall be adopted by the Court:
 28

Event	Proposed Schedule
Last day to amend pleadings to add parties without leave of Court	8/30/2012
Last day to serve Initial Disclosures pursuant to F.R.C.P. 26(a)	9/6/2012
Deadline for Infringement Contentions (Patent L.R. 3-1 & 3-2)	10/15/2012
Deadline for Invalidity Contentions (Patent L.R. 3-3 & 3-4)	1/15/13
Parties to Exchange Terms for Construction (Patent L.R. 4-1)	2/15/13
Parties to Exchange Proposed Constructions (Patent L.R. 4-2)	3/7/13
Joint Claim Construction and Pre-Hearing Statement (Patent L.R. 4-3)	4/4/13
Completion of Claim Construction Discovery (Patent L.R. 4-4)	5/1/13
CSR's Opening Claim Construction Brief (Patent L.R. 4-5)	5/10/13
Freescale's Responsive Claim Construction Brief (Patent L.R. 4-5)	6/11/13
CSR's Reply Claim Construction Brief (Patent L.R. 4-5)	6/25/13
Technology at issue tutorial	7/10/13
Claim Construction Hearing (Patent L.R. 4-6)	7/17/13 at 10:00 a.m.
Further Case Management Conference	To Be Set by Court Following Issuance of Claim Construction Order

Pursuant to the parties' Joint Case Management Conference Statement and the parties' Joint August 27, 2012, Letter, IT IS HEREBY FURTHER ORDERED as follows:

1. Depositions

Party deposition testimony shall mean Rule 30(b)(6) deposition testimony of a party and Rule 30(b)(1) deposition testimony of current employees of that party. Each party shall be entitled to take seventy-five (75) hours of party deposition testimony.

1 Subject to the foregoing limitation on party depositions, each party shall be entitled to take
2 a total of one-hundred fifty (150) hours of fact deposition testimony.

3 If either party in good faith believes it needs to exceed the foregoing limits as the case
4 progresses, the parties shall to meet and confer in good faith to determine if additional deposition
5 time should be permitted.

6 The foregoing limitations are not intended to apply to expert depositions. With respect to
7 expert depositions, the parties shall meet and confer in good faith regarding the need for
8 depositions of experts relating to claim construction. The parties also shall meet and confer in
9 good faith to discuss reasonable limitations on expert depositions after service of the parties'
10 expert reports.

11 **2. Electronically Stored Information (“ESI”)**

12 Neither party need produce the following ESI:

- 13 • Backup tapes and systems created for the sole purpose of disaster recovery.
- 14 • Voicemail
- 15 • Instant Messaging
- 16 • Residual, deleted, fragmented, damaged, or temporary data
- 17 • Encrypted data/password-protected files, where the key or password cannot
18 be ascertained after reasonable efforts.

19 Pursuant to the parties' agreement, it is unnecessary to search individual employees' hand-
20 held electronic devices (*e.g.* their cell phones). The parties shall meet and confer in good faith to
21 reach agreement concerning any additional ESI discovery issues and, if necessary, to submit an
22 additional stipulation addressing such agreements.

23 **3. Attorney-Client Privilege and Work Product Doctrine**

24 The parties need not include communications with litigation counsel on their privilege
25 logs to preserve their privileges or protections. For all other privileged responsive documents
26 created on or before the filing of the initial Complaint, the parties are required to log all
27 privileged responsive documents. The parties are not required to log documents created after the
28 filing of the initial Complaint. The parties shall meet and confer in good faith to determine if

1 additional limitations on the logging of privileged materials are appropriate in this case.

2 **4. Expert Communications and Drafts**

3 The procedures for expert discovery as provided by Federal Rule of Civil Procedure
4 26(b)(4) shall govern expert discovery. For the avoidance of doubt, the parties have requested the
5 Court to include the following statement concerning expert discovery: The parties shall not seek
6 drafts of expert reports, declarations, affidavits, or notes taken by experts retained to testify in this
7 case, whether those reports, declarations, affidavits, or notes relating to this case, to any prior
8 investigation, litigation or proceeding, or to any currently pending investigation, litigation or
9 proceeding involving any of the parties in this case.

10 The parties shall not seek documents relating to communications between such experts
11 and counsel, including e-mail communications and invoices, whether generated in connection
12 with this case, a prior litigation, or any currently pending investigation, litigation or proceeding
13 involving any of the parties in this case, except for documents, information and things included in
14 or attached to such communications that are directly relied upon by the expert in his or her expert
15 report, declaration, affidavit, or testimony.

16 The parties shall not inquire at deposition or trial as to the contents of drafts of expert
17 reports, declarations or affidavits, or notes pertaining thereto, whether drafted in connection with
18 this case, a prior litigation, or any currently pending investigation, litigation or proceeding, and
19 that the parties shall not inquire at deposition or at trial as to the expert's communications, written
20 or oral, with counsel, whether generated in connection with this case, a prior litigation, or any
21 currently pending investigation, litigation or proceeding, except to the extent that the expert
22 explicitly references or cites information from counsel in his or her expert report, declaration,
23 affidavit, or testimony.

24 The parties shall, however, identify and produce copies of any documents referenced or
25 cited by the expert in his or her expert report. Furthermore, the parties are not restricted from
26 (i) inquiring into the basis of any of the opinions expressed by any experts in his or her report,
27 declaration, or affidavit, including the manner by which such opinions were reached, and
28 information considered in reaching such opinions; (ii) otherwise inquiring into the process by

1 which an expert report, affidavit, or declaration was drafted, provided that, in so doing, the parties
2 may not discover the contents of any such drafts of expert reports, declarations, affidavits, or
3 notes pertaining thereto; or (iii) obtaining reports, testimony, or other discovery or evidence
4 produced in any prior litigation or any currently pending investigation, litigation or proceeding
5 involving the parties in this case. Notwithstanding the above, the parties may discover all facts
6 and data (including documents) considered by the expert in forming his/her opinions.

7 **5. Form of Document Production**

8 The parties shall each produce responsive and non-privileged electronic documents
9 electronically in a manner to be agreed upon by the parties.

10 **6. ADR Proceedings or Settlement Conferences**

11 The parties shall conduct a non-binding private mediation within ninety (90) days after the
12 Court issues its Claim Construction Order in this case.

13 **7. Electronic Service**

14 With respect to documents required to be filed with the Court, the timing for filing and
15 service shall be governed by the Northern District of California Local Rules, the Northern District
16 of California General Orders, the standing orders of this Court and any other orders this Court
17 may issue pertaining to the filing and service of documents. With respect to all other documents
18 that are required to be served, the parties have consented in writing that service by electronic
19 means shall be allowed as set forth in Federal Rule of Civil Procedure 5(b)(2)(E) and, pursuant to
20 the parties' agreement, (1) such service shall be deemed complete upon transmission, provided
21 that the serving party does not learn that the transmission did not reach the person to be served;
22 (2) such service shall have the same response time as if hand delivered; and (3) a document is
23 deemed served on a particular day if sent by 4 p.m. Pacific Time on that calendar day; otherwise
24 it is deemed served on the next calendar day.

25
26 DATED: 8/28/12



The Honorable Richard Seeborg
United States District Court Judge