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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

18 SYNOPSISYS, INC.,
 19 Plaintiff,
 20 v.
 21 ATOPTECH, INC.,
 22 Defendant.

Case No. 3:13-cv-02965 MMC (DMR)
STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PRETRIAL
EXCHANGES FOR THE BENCH TRIAL

1 Plaintiff Synopsys, Inc. (“Synopsys”) and Defendant ATopTech, Inc. (“ATopTech”)
 2 (together, “the Parties”), by and through the undersigned counsel, hereby stipulate as follows:

3 1. Pre-Trial Deadlines:

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Deadline	Party	Task
6/10/2016	ATopTech	Serve witness list, including identification on whether the witnesses will be called live or by deposition testimony and brief narrative descriptions of the witnesses’ expected testimony. Serve list of exhibits expected to be used.
6/20/2016	Synopsys	Serve witness list, including identification on whether the witnesses will be called live or by deposition testimony and brief narrative descriptions of the witnesses’ expected testimony. Serve list of exhibits expected to be used. Serve objections, if any, to exhibits and/or testimony of witnesses listed by ATopTech.
6/27/2016	ATopTech	Serve list of any supplemental witnesses, including identification on whether the witnesses will be called live or by deposition testimony and brief narrative descriptions of the witnesses’ expected testimony, and supplemental exhibits expected to be used in view of Synopsys’ list of witnesses and exhibits. Serve objections, if any, to exhibits and/or testimony of witnesses listed by Synopsys. Serve deposition excerpts expected to be used.
7/1/2016	Synopsys	Serve list of any supplemental witnesses, including identification on whether the witnesses will be called live or by deposition testimony and brief narrative descriptions of the witnesses’ expected testimony, and supplemental exhibits expected to be used in view of ATopTech’s supplemental witness list and exhibit list. Serve objections, if any, to supplemental exhibits and/or testimony of witnesses listed by ATopTech. Serve deposition excerpts expected to be used.
7/6/2016	Both	Serve objections to deposition excerpts.
7/8/2016 10:00 AM	Both	Meet and confer to resolve objections to exhibits, testimony and/or deposition excerpts.

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7/11/2016	Both	File motions <i>in limine</i> , if any.
7/18/2016	Both	File oppositions to motions <i>in limine</i> , if any. Exchange Pre-Stamped Exhibits.
7/25/2016	Both	Bench Trial Begins

2. To the extent a document to be used as an exhibit at the Bench Trial was previously marked either for identification or as a trial exhibit, the same exhibit number will be used. Since these exhibits have already been exchanged, it will not be necessary to exchange a copy of the Pre-Stamped Exhibit for these previously exhibits. The parties will mutually agree upon a reasonable method for marking any exhibits not previously marked, and copies of any such Pre-Stamped Exhibits will be exchanged in accordance with the schedule set forth above. The parties further agree that the record from the jury trial held February 22, 2016 – March 8, 2016, will be considered as part of the record for the Bench Trial.

4. The exchange of exhibit lists and deposition designations contemplated above will include where appropriate the exchange of native versions of the lists (i.e., excel or word document) to facilitate objections and meeting and conferring to resolve those objections. To facilitate review of the exhibit list, the Parties agree that, in addition to the columns set out in ECF No. 174, the exchanged exhibit lists will include columns for Beg Bates and End Bates for any document not previously marked either for identification or as a trial exhibit. For the convenience of the Parties, the Parties agree to exchange searchable PDF versions of any exhibits not previously marked for identification or as a trial exhibit (or native files as appropriate), in lieu of the printed copies called for in ECF No. 174. The parties will mutually cooperate to ensure that legible copies of any exhibits intended to be used at the bench trial are exchanged in advance, and by July 18, 2015. Each party will provide two sets of printed copies of the exhibits it intends to use at the Bench Trial to the Court on the first day of trial, as required by ECF No. 174.

5. The Parties will indicate which witnesses it intends to call live and which witnesses it intends to call by deposition in accordance with the schedule set forth above, and will provide any changes to this determination by July 18, 2016. The Parties further agree, however, that should the need thereafter arise (e.g., a witness becomes unavailable) the Parties will not be

1 prohibited from later preparing deposition designations for that witness if appropriate. The
2 parties will exchange deposition designations only for those witnesses they actually plan to
3 submit to the Court for consideration, according to the schedule outlined above. The parties will
4 present to the Court excerpted transcripts annotating the designations, counter-designations, and
5 any objections. Should the Court wish the parties to present video deposition testimony at the
6 trial, the parties will meet and confer on a procedure to prepare the video clips.

7 6. The parties will exchange demonstratives to be used in opening statements or
8 initial statements to the Court on the first day of trial by no later than 5:30 p.m. on July 22, 2016.
9 To the extent there are objections, the parties will meet and confer in an effort to resolve those
10 objections by 12:00 p.m. on July 23, 2016.

11 7. By 5:30 pm on July 20, 2016, ATopTech will disclose the order of its witnesses
12 and any exhibits, including demonstrative exhibits, to be used with each witness disclosed
13 pursuant to paragraph 1. By 5:30 pm on July 21, 2016, Synopsys will provide any objections to
14 those exhibits and will disclose any cross exhibits for use with ATopTech's witnesses. By 5:30
15 pm on July 21, 2016, Synopsys will disclose the order of its witnesses and any exhibits, including
16 demonstrative exhibits, to be used with each witness disclosed pursuant to paragraph 1. By 5:30
17 pm on July 22, 2016, ATopTech will provide any objections to those exhibits and will disclose
18 any cross exhibits for use with Synopsys's witnesses. To the extent there are objections, the
19 parties will meet and confer in an effort to resolve those objections by 12:00 p.m. on July 23,
20 2016.

21 8. Any demonstratives will be provided to opposing counsel as a color copy in PDF
22 form. If a demonstrative contains video, animations, or "builds," they will be provided to
23 opposing counsel on DVD, CD, thumb drive, or FTP. If good faith efforts to resolve objections
24 to demonstratives fail, the objecting party shall bring any outstanding objections to the Court's
25 attention prior to use of the demonstratives.

26 9. The parties will identify the witnesses it intends to call, as well as the exhibits and
27 demonstratives to be used in connection with the testimony of those witnesses in accordance with
28 the schedule set forth in paragraphs 1 and 7 above and will meet and confer with respect to any

