

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ENPLAS DISPLAY DEVICE CORPORATION, et al.,  
Plaintiffs,  
v.  
SEOUL SEMICONDUCTOR COMPANY, LTD.,  
Defendant.

Case No. 13-cv-05038 NC

**PRETRIAL PREPARATION ORDER**

A jury trial is scheduled in this case on March 14, 2016. This order prepares for the trial. A pretrial conference is scheduled for February 24, 2016, at 2:00 p.m. in Courtroom 7, San Jose. The trial preparation standing order is available on the Court’s website. Where the dates outlined below are inconsistent with the standing order, the dates in this order should be followed.

**I. LOCATION OF TRIAL**

The pretrial preparation conference will occur in the San Jose Courthouse. The parties must meet and confer about the location of the trial, and stipulate to have the trial either in Courtroom D in San Francisco or Courtroom 7 in San Jose, by February 17, 2016.

**II. MOTIONS IN LIMINE**

The parties must file their motions in limine by February 10, with responses due by February 17. No party may file a reply without leave of Court. The total number of pages

1 each party submits for all motions and all responses must not exceed 15 pages. While it is  
2 up to each party to decide how much space to allocate for their motions and how much for  
3 their responses, the parties must each stay within the 15-page limit (e.g., a party can  
4 allocate 9 pages for their motions, and 6 pages for their responses). The Court will hold a  
5 hearing on the motions in limine at the pretrial conference.

6 **III. JOINT TRIAL READINESS BINDER**

7 The parties are ordered to provide the Court with two copies of a Joint Trial  
8 Readiness Binder. The documents and binder are due by February 17, 2016, at 12 p.m. at  
9 the San Jose Courthouse. The parties must also file a copy of the Joint Trial Readiness  
10 Binder in ECF. The Joint Trial Readiness Binders must contain an index and copies of  
11 filed documents with the ECF header reflecting the item's docket number and filing date,  
12 including:

13 **A. Proposed Order Re: Trial Stipulations**

14 The Court expects that the parties will agree to a variety of stipulations regarding  
15 the conduct of the trial. A proposed order outlining all such stipulations must be presented  
16 to the Court.

17 **B. Witness Lists**

18 The parties must submit an updated list of all witnesses likely to be called at trial  
19 (other than solely for impeachment or rebuttal), with a brief statement following each  
20 name describing the substance of the testimony to be given and a time estimate of the  
21 direct and cross examinations. This information must be presented in chart format and  
22 organized by party. Witnesses who will be testifying as experts should be identified as  
23 such and included in a separate expert witness list (see below).

24 **C. Expert Witness Lists**

25 The parties must submit an updated list of all expert witnesses with a summary  
26 which must clearly describe the expert's theories and conclusions; a curriculum vitae; and  
27 expert reports. Witnesses not included on the list may be excluded from testifying.

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1                   **D. Updated Exhibit Lists Annotated with Stipulations/Objections**

2                   The parties must submit an updated list of all documents and other items to be  
3 offered as exhibits at the trial (other than solely for impeachment or rebuttal), with a brief  
4 description of each exhibit’s contents, and the identify of each sponsoring witness. As  
5 applicable, the exhibit list must specify whether the parties stipulate to admit the exhibit or  
6 the grounds for any objections to the exhibit. The exhibit list must also include an  
7 additional column so that the Court can track the date on which each exhibit is admitted.  
8 Prior to submitting the list, the parties must meet and confer and attempt to stipulate as to  
9 the admissibility of each exhibit. This information must be presented in chart format and  
10 organized numerically.

11                   **E. Updated List of Discovery Excerpts**

12                   The parties must list those excerpts from depositions, from interrogatory answers,  
13 or from responses to requests for admission (other than those solely for impeachment or  
14 rebuttal) likely to be used as trial. Prior to submitting the list, the parties must meet and  
15 confer and attempt to resolve any disagreements regarding designations or counter-  
16 designations. The parties must (i) identify any remaining legal objections to the excerpts  
17 on the list itself, and (ii) attach in a separate appendix copies of the disputed excerpts so  
18 that the Court can review the disputed materials. The parties must provide a single  
19 proposed order with each disputed designation which will allow the Court to rule on  
20 whether permission to use each is granted, granted with modification, or denied.

21                   **F. Voir Dire Questions**

22                   The parties must include any proposed jury questionnaire or questions for the court-  
23 directed voir dire, if applicable. If any questions are contested, each party must state the  
24 basis for proposing or opposing the question.

25                   **IV. ELECTRONIC COPIES OF TRIAL DOCUMENTS**

26                   The parties must send an electronic copy in Word format to  
27 [ncpo@cand.uscourts.gov](mailto:ncpo@cand.uscourts.gov) of the following documents listed above: (i) Proposed Order Re:  
28 Trial Stipulations; and (ii) Proposed Order Re: Discovery Excerpts.

1 **V. STIPULATIONS RE: ADMISSIBILITY**

2 The parties must make a good faith effort to stipulate to exhibits' admissibility. If  
3 stipulation is not possible, the parties must make every effort to stipulate to authenticity  
4 and foundation absent a legitimate objection.

5 **VI. EXHIBITS**

6 Exhibits must be provided to the Court by February 17, 2016, at 12:00 p.m. at the  
7 San Jose Courthouse as follows: two sets of exhibits marked, tabbed, indexed, and to be  
8 provided in binders. Exhibit sets may be delivered/mailed directly to Chambers in San  
9 Jose. The parties must otherwise coordinate with the Courtroom Deputy for other  
10 delivery.

11 Each exhibit must be pre-marked with an exhibit tag placed in the top right corner  
12 of the first page of a document. Parties are to use a color other than white for the exhibit  
13 tags. A page of blank trial exhibit tags can be found on the Court's website. If an exhibit  
14 is a physical object (rather than a document), a picture should be taken and placed in the  
15 binder.

16 Upon the conclusion of the trial, each party must retain its exhibit through the  
17 appellate process. It is each party's responsibility to make arrangement with the Clerk of  
18 Court to file the record on appeal.

19 **VII. SCHEDULING OF JURY SELECTION**

20 The parties must notify the Court whether they wish to proceed with a jury or bench  
21 trial by February 17. If the parties decide to proceed with a jury trial, the jury will be  
22 selected March 14. Opening statements will be on March 14 after jury selection. The first  
23 witness will be called on March 15.

24 **VIII. JURY INSTRUCTIONS**

25 If applicable, the parties must submit jointly to the Court via email in Word format  
26 to [ncpo@cand.uscourts.gov](mailto:ncpo@cand.uscourts.gov) a set of jury instructions by February 17. If any instructions  
27 are contested, each party must state the legal basis for proposing or opposing the  
28 instructions.

1 **IX. SUMMARY OF CASE STATEMENT**

2 By February 17, the parties must jointly submit an agreed-upon summary of the  
3 case, not to exceed one page. This statement of the case will be read to the jury at jury  
4 selection. If the parties cannot agree on such a statement, each party must submit its own  
5 summary, not to exceed one page.

6 **X. TRIAL LIMITS**

7 The Court anticipates giving each side a total of 15 hours to present its case. This  
8 includes all aspects of trial (e.g., objections, examinations) except jury selection.

9 **XI. MISCELLANEOUS**

10 **Witness Photographs**

11 The Court may take a photograph of each witness prior to the witness' testimony to  
12 assist the trier of fact with recalling the testimony. Please advise your witnesses.

13 **Electronic Equipment**

14 If a party wishes to use electronic equipment or other large items (such as  
15 bookshelves), the party must file a request and proposed order with the Court by February  
16 17.

17 Equipment not provided by the Court must be tested in the courtroom prior to the  
18 day when it will be used. Arrangements may be made with the Courtroom Deputy, Lili  
19 Harrell at (408) 535-5343, as to an appropriate time for doing so.

20 **Questions from Jury**

21 If the parties select a jury trial, the Court will give an instruction to allow questions  
22 from the jury in accordance with Ninth Circuit Model Instruction 1.15 ("Questions to  
23 Witnesses by Jurors").

24 **IT IS SO ORDERED.**

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26 Dated: December 23, 2015

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NATHANAEL M. COUSINS  
United States Magistrate Judge