

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 ALTERA CORPORATION,

4 Plaintiff,

5 v.

6 PACT XPP TECHNOLOGIES, AG,

7 Defendant.
8

Case No. 14-cv-02868-JD

**INSTRUCTIONS TO COURT-
APPOINTED TECHNICAL EXPERT**

9 The Court provides the following instructions to the Court-appointed expert on technical
10 issues:

- 11 1. You have been chosen by the Court to serve as a neutral, independent expert, and will
12 assist the Court and potentially the jury by providing expert analysis and opinions
13 concerning the patents asserted by PACT against Altera and any related technology.
- 14 2. Over the course of the case, the Court will provide you with materials obtained from the
15 parties to help you form your opinions. These materials will include patents and file
16 histories, samples of products accused of infringement and documentation relating to those
17 products, prior art relied on by Altera, deposition and hearing transcripts, responses to
18 discovery requests from one party to the other or from one party to a third party, pleadings
19 and motions that the parties have submitted to the Court, the expert reports prepared by the
20 parties' own experts, and other materials exchanged, prepared, or submitted by the parties.
21 If you wish to, you may also conduct your own independent research with respect to the
22 accused products or the prior art.
- 23 3. You should treat all materials that you receive in connection with this matter as
24 confidential, and must destroy all materials related to this matter at its conclusion. The
25 same applies to any notes or other materials you create in connection with this matter.
- 26 4. Apart from administrative issues, all communications between you and the Court, whether
27 in person or over the phone, will be in the presence of the parties' lawyers.
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5. The Court anticipates consulting with you at the following points during the case. If these dates present any scheduling conflicts, please let the Court know as soon as possible:

a. On May 8, 2015, at 2:00 p.m., you and the parties’ experts will give short “tutorial” presentations in Court concerning the technology related to the asserted patents.

b. On May 11, 2015, the parties will have finished submitting their arguments to the Court on the meaning of various terms or phrases in PACT’s patents. Afterwards, the Court may ask you for your opinions on their positions, either over the phone or in the form of a short written statement.

c. The parties’ experts will have submitted reports setting forth their opinions by August 24, 2015. The Court will then ask you to submit, by October 9, 2015, a short written report explaining your opinions regarding at least the following topics:

- i. An analysis of how the accused products operate in relation to the patent claims those products are accused of infringing.
- ii. An analysis of the similarities and differences between the subject matter described in the prior art relied on by Altera and the patent claims to which each prior art reference is being applied.
- iii. Potentially, other technical issues that the parties’ experts disagree on.

On each topic, please provide your evaluation of the positions taken by the parties’ experts.

d. You will sit for a deposition the week of October 12, 2015, or October 19, 2015. The deposition will last no more than 7 hours -- either all on one day or spread out over the course of two days, as you prefer. At the deposition, the parties’ lawyers will ask you questions. I will preside at the deposition.

e. You will testify at the jury trial that is set for February 22, 2016. The Court will introduce you to the jury as a neutral, independent expert appointed by the Court. You will testify after each of the parties’ experts have given their testimony, and will explain to the jury in simple language the relevant technology and the matters

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set forth in your written report. The parties may cross-examine you. The Court will tell you well in advance which day or days you will testify.

6. You can reach the Court by email if any questions come up, if you require additional materials, or if you encounter any difficulties in accomplishing your assigned tasks. Please send any emails to my law clerk at raghav_krishnapriyan@cand.uscourts.gov. My law clerk will forward any substantive communications to the parties and to me.
7. You will be compensated for the time that you devote to this case at the hourly rate that was previously discussed. Each party will pay 50 percent of your bill. Please send your invoices to the Court, either via email or postal mail at the following address:

Chambers of the Hon. James Donato
United States District Court, Northern District of California
450 Golden Gate Ave.
San Francisco, CA 94102

If you send an invoice via postal mail, please write “Altera Corp. v. PACT XP Techs., 14-cv-02868” on the envelope.

Dated: March 4, 2015



JAMES DONATO
United States District Judge