

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALTERA CORPORATION,
Plaintiff,
v.
PACT XPP TECHNOLOGIES, AG,
Defendant.

Case No. 14-cv-02868-JD

**CASE MANAGEMENT AND
SCHEDULING ORDER**

A case management conference was held on November 5, 2014. The Court orders the following pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10:

1. **Interrogatories.** The parties will each be limited to twenty-five interrogatories.
2. **RFAs.** The parties will each be limited to thirty requests for admission.
3. **Depositions.** The parties may depose up to ten party witnesses and eight third-party witnesses.
4. **Narrowing issues for trial.** As the case progresses, the parties will limit their asserted claims and prior art references or obviousness combinations as follows:
 - a. Forty days after infringement contentions are due -- on December 29, 2014 -- PACT will limit the number of asserted claims per patent to ten or less, and the total number of asserted claims to thirty or less. PACT will file a Preliminary Election of Asserted Claims listing the remaining asserted claims.
 - b. Fifty-four days after infringement contentions are due -- on January 12, 2015 -- Altera will limit the number of asserted prior art references and obviousness combinations per patent to thirty or less, and the total number of asserted prior art references and obviousness combinations to ninety or less. Altera will file a Preliminary Election of Asserted Prior Art listing the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

remaining prior art references and obviousness combinations.

- c. Twenty-eight days after the claim construction order issues, PACT will limit the number of asserted claims per patent to five or less, and the total number of asserted claims to fifteen or less. PACT will file a Final Election of Asserted Claims listing the remaining asserted claims.
- d. Forty-two days after the claim construction order issues, Altera will limit the number of asserted prior art references and obviousness combinations per patent to fifteen or less, and the total number of asserted prior art references and obviousness combinations to forty-five. Altera will file a Final Election of Asserted Prior Art listing the remaining prior art references and obviousness combinations.
- e. Further reductions may be ordered as trial approaches. A party may request modification of these limits, but must provide specific reasons and show good cause in order to do so.

5. Case schedule. The Court sets the following case schedule:

Event	Date
Last day to serve Disclosure of Asserted Claims and Infringement Contentions for PACT patents-in-suit and produce documents (Patent L.R. 3-1, 3-2)	11/19/14
Last day to file and serve amendments to the pleadings	11/25/14
Last day to serve Invalidity Contentions and produce documents (Patent L.R. 3-3, 3- 4)	01/05/14
Last day for parties to exchange proposed terms for construction (Patent L.R. 4-1)	01/19/15
Last day for parties to exchange preliminary claim constructions and extrinsic evidence (Patent L.R. 4-2)	02/09/15
Last day for parties to file Joint Claim Construction and Prehearing Statement (Patent L.R. 4-3)	03/06/15
Last day to complete claim construction discovery (Patent L.R.	04/06/15

Event	Date
4-4)	
Last day for PACT to file opening claim construction brief (Patent L.R. 4-5)	04/20/15
Last day for Altera to file responsive claim construction brief (Patent L.R. 4-5)	05/04/15
Last day for PACT to file reply claim construction brief (Patent L.R. 4-5)	05/11/15
Last day to file Final Joint Claim Construction Statement (Standing Order for Patent Cases ¶ 6)	05/11/15
Technical tutorial (Standing Order for Patent Cases ¶ 7)	05/08/15 2:00 p.m. (45 minutes per side)
Claim construction hearing (Patent L.R. 4-6, Standing Order for Patent Cases ¶ 13)	05/21/15 2:00 p.m. (90 minutes per side)
Last day to disclose advice of counsel (Patent L.R. 3-7)	50 days after claim construction ruling
Fact discovery cut-off	07/20/15
Last day to disclose experts and exchange opening expert reports	08/10/15
Last day to exchange rebuttal expert reports	08/24/15
Expert discovery cut-off	09/07/15
Last day to file dispositive motions	09/16/15
Pre-trial conference	11/25/15 3 p.m.
Jury Trial	12/14/15 9 a.m.

All dates set by the Court should be regarded as firm. Counsel may not modify these dates by stipulation without leave of court. Requests for continuances are disfavored, and scheduling conflicts that are created subsequent to the date of this order by any party, counsel or party-controlled expert or witness will not be considered good cause for a continuance. Sanctions may issue for a failure to obey a scheduling or other pretrial order. *See* Fed. R. Civ. P. 16(f)(1)(C).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The parties should review and comply with the Court’s Standing Order for Civil Cases, Standing Order for Discovery in Civil Cases, and Standing Order for Civil Trials.

IT IS SO ORDERED.

Dated: November 5, 2014



JAMES DONATO
United States District Judge