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Federal Trade Commission

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 FEDERAL TRADE COMMISSION,

21 Plaintiff,

22 v.

23 DIRECTV, a corporation, and DIRECTV,
24 LLC, a limited liability company,

25 Defendants.
26

Case No. 3:15-cv-01129 HSG

Assigned to the Hon. Haywood S. Gilliam, Jr.

STIPULATION AND ORDER
PERMITTING THE PARTIES TO BRING
ADDITIONAL TECHNOLOGY INTO THE
COURTHOUSE

1 Pursuant to Civil Local Rule 7-12 and the conference with the Court on February 3, 2017,
2 the Federal Trade Commission (“FTC”) and Defendants DIRECTV and DIRECTV, LLC
3 (collectively “DIRECTV”) hereby stipulate and jointly request an order permitting the parties to
4 bring into the Courthouse additional technology and equipment for use during trial.¹

5 During trial, both the FTC and DIRECTV intend to introduce exhibits including, among
6 other things, numerous print ads in various shapes and sizes and multiple iterations of DIRECTV’s
7 website (including still captures, video captures, and interactive versions).

8 On February 3, 2017, the parties’ respective counsel and technology personnel tested the
9 courtroom trial technology and discovered certain issues that the parties believe may impede their
10 ability to efficiently present various evidence to the Court. First, as mentioned above, during
11 witness examinations, the parties may use exhibits in the form of electronic documents, videos, or
12 interactive websites. Without the previously requested switches, the parties cannot efficiently
13 switch between the various media needed to display differently formatted exhibits. Second, in
14 DIRECTV’s view, the resolution of the courtroom monitors diminishes the visibility of the
15 advertising. As an example (again only in DIRECTV’s view), when attempting to display print
16 ads in a digital form, certain text is distorted and unreadable on the courtroom monitors.² Finally,
17 the touchscreen monitor located at the witness stand currently displays the picture slightly off-
18 center, which means that the witness cannot always see the full exhibit. And if the witness
19 attempts to utilize the touchscreen annotations to draw on the screen, the annotations appear in a
20 different location (i.e., offset from where the witness touched) on the monitors in the Courtroom.

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23 ¹ On January 30, 2017, the parties filed a Stipulation and Proposed Order Permitting the Parties to
24 Bring Additional Technology into the Courthouse. [Dkt. No. 288]. The Court granted, in part, and
25 denied, in part, the parties’ requested additional technology. [Dkt. No. 290]. On February 3, 2017,
the parties tested the Courtroom’s technology and raised certain issues discovered therewith during
a telephonic conference with the Court. The Court permitted the parties to file this joint stipulation
to address the same. [Dkt. No. 294].

26 ² DIRECTV plans to introduce exemplar print ads into evidence in the size and form disseminated
27 to potential consumers. However, DIRECTV understands that the Court’s preference, as stated to
the parties, is to view the various exhibits in electronic format. Additionally, given the hundreds of
different print ads at issue, it is cost prohibitive to DIRECTV to print every single ad in the correct
size and format.

1 The Court's technology personnel were not able to fix that problem before the trial-date
2 continuance was announced on Friday morning.

3 The parties appreciate the Court's concern regarding technology compatibility,
4 seamlessness, efficiency, and the Court's ability to run the remainder of its docket using its
5 existing technology without interruption from this case. Therefore, the parties request permission
6 to bring in the following additional technology and equipment, which will operate *independently*
7 from the Court's existing system:

- 8 (1) One 4x8 switch/distribution amplifier;
- 9 (2) Two 4x1 switches;
- 10 (3) One speaker system;
- 11 (4) Seven 19-inch High Resolution Monitors for the bench (1), witness stand (1),
12 counsel tables (2 for each side), and lecterns (1);
- 13 (5) One LCD projector and stand; and
- 14 (6) One projector screen.

15 The parties further jointly request access to the courtroom for purposes of setting up and testing the
16 technology on Friday, March 3, 2017. All equipment and necessary wiring will be placed in a
17 manner so as not to interfere with other activities in the Courtroom when trial is not in session and
18 to avoid any unsafe condition. The parties remain mindful of the Court's docket and resources and
19 will do their utmost to reduce interruption and inconvenience.

20 SO STIPULATED:

21 Dated: February 10, 2017

22 By: /s/ Jacob Snow

23 Jacob A. Snow
24 Counsel for Plaintiff Federal Trade Commission

24 Dated: February 10, 2017

25 By: /s/ Pete Marketos

26 Jeff Tillotson
27 Pete Marketos
28 Chad Hummel
Counsel for Defendants DIRECTV and DIRECTV, LLC

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SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order Permitting the Parties to Bring Additional Technology into the Courthouse in compliance with Civil Local Rule 5-1(i)(3), I hereby attest that the signatory has concurred in this filing.

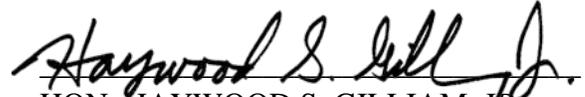
Dated: February 10, 2017

SIDLEY AUSTIN LLP

By: /s/ Ryan M. Sandrock
Ryan M. Sandrock

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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3 Dated: February 21, 2017


4 HON. HAYWOOD S. GILLIAM, JR.
5 United States District Judge

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