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 15 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 16 **SAN FRANCISCO DIVISION**

17 [24]7.ai, INC. AND 24/7 CUSTOMER
INTERNATIONAL HOLDINGS, LTD.,

18 Plaintiffs,

19 v.

20 LIVEPERSON, INC.,

21 Defendant.

22 LIVEPERSON, INC.,

23 Plaintiff,

24 v.

25 [24]7.ai, INC.

26 Defendant.

Case No. 3:15-CV-02897-JST (KAW) (lead)
Case No. 3:15-CV-05585-JST (KAW)

JOINT CASE MANAGEMENT STATEMENT

Case No. 3:17-CV-01268-JST

JOINT CASE MANAGEMENT STATEMENT

Pursuant to the Court’s July 19 Scheduling Order (Dkt. 415), LivePerson, Inc. (“LivePerson”) and [24]7.ai, Inc. and 24/7 Customer International Holdings, Ltd. (collectively, “[24]7”) have conferred and respectfully submit this Joint Case Management Statement and proposed schedule for consideration by the Court.

Subject to the Court’s approval, and in accordance with the Court’s Scheduling Order, the parties select April 1, 2019 as the date for the beginning of the first trade secret trial. The parties further propose delaying the remaining events in the patent action and relating to the second trade secret trial, so that the events in the patent action can proceed after the first trade secret trial is complete. In addition, the parties request advancing the *Daubert* briefing schedule relating to the first trade secret trial by two weeks so that the *Daubert* briefing schedule does not overlap with the October 25, 2018 summary judgment hearing.

The parties propose the following schedule:

Event	Current / Previous Date	Proposed Revised / New Date
<i>Daubert</i> motion deadline for issues to be addressed in the first trade secret trial	October 11, 2018 <i>Set by Scheduling Order</i>	September 28, 2018
<i>Daubert</i> opposition deadline for issues to be addressed in the first trade secret trial	October 25, 2018 <i>Set by Scheduling Order</i>	October 12, 2018
<i>Daubert</i> reply deadline for issues to be addressed in the first trade secret trial	November 1, 2018 <i>Set by Scheduling Order</i>	October 19, 2018
Hearing on Defendant [24]7.ai, Inc.’s motion for summary judgment in the first trade secret trial	October 25, 2018 at 2:00 p.m. <i>Set by Scheduling Order</i>	October 25, 2018 at 2:00 p.m.
<i>Daubert</i> hearing	November 29, 2018 at 2:00 p.m. <i>Set by Scheduling Order</i>	November 29, 2018 at 2:00 p.m.
Deadline for <i>in limine</i> motions for the first trade secret trial	October 9, 2018	February 8, 2019
Joint pretrial statement for the first trade secret trial due	September 25, 2018	March 5, 2019
Pretrial conference for the first trade secret trial	November 2, 2018 at 2:00 p.m.	March 15, 2019 at 2:00 p.m.

Event	Current / Previous Date	Proposed Revised / New Date
Parties to deliver three sets of pre-marked exhibits to the Courtroom Deputy for the first trade secret trial	November 16, 2018	March 25, 2019
The first trade secret trial	Begins November 26, 2018 at 8:30 a.m.	April 1, 2019 at 8:00 a.m.
[24]7 to re-select no more than four asserted claims per patent for patent trial	January 31, 2019	April 25, 2019
LivePerson to reduce asserted prior art references to no more than five per patent to be tried	February 15, 2019	May 2, 2019
Deadline for opening expert reports for the patent case	February 28, 2019	May 16, 2019
Deadline for rebuttal expert reports for the patent case	March 21, 2019	June 6, 2019
Close of expert discovery for the patent case	April 4, 2019	June 21, 2019
Last day to file motions to compel expert discovery for the patent case	April 12, 2019	June 28, 2019
Deadline for dispositive motions in the patent case	April 25, 2019	July 11, 2019
Deadline for oppositions to dispositive motions for the patent case	May 9, 2019 (or two weeks after dispositive motions are filed)	July 25, 2019 (or two weeks after dispositive motions are filed)
Deadline for replies supporting dispositive motions for the patent case	May 16, 2019 (or one week after oppositions are filed)	August 1, 2019 (or one week after oppositions are filed)
<i>Daubert</i> motion deadline for the patent case	May 30, 2019	August 8, 2019
<i>Daubert</i> opposition deadline for the patent case	June 13, 2019 (or two weeks after <i>Daubert</i> motions are filed)	August 22, 2019 (or two weeks after <i>Daubert</i> motions are filed)
<i>Daubert</i> reply deadline for the patent case	June 20, 2019 (or one week after oppositions are filed)	August 29, 2019 (or one week after oppositions are filed)
Deadline for <i>in limine</i> motions for the patent case	July 9, 2019	September 12, 2019
Joint pretrial statement for the patent case	July 2, 2019	October 15, 2019

Event	Current / Previous Date	Proposed Revised / New Date
Pretrial conference for the patent case	July 26, 2019, subject to the Court's availability and convenience	October 25, 2019 at 2:00 p.m., subject to the Court's availability and convenience
Parties to deliver three sets of pre-marked exhibits to the Courtroom Deputy for patent trial	July 30, 2019	December 2, 2019
The patent trial	Begins August 5, 2019 at 8:30 a.m., subject to the Court's availability and convenience	December 9, 2019 at 8:00 a.m., subject to the Court's availability and convenience
LivePerson to identify up to 15 trade secrets that will be addressed in the second trade secret trial	August 30, 2019	December 16, 2019
Deadline for dispositive motions and <i>Daubert</i> motions covering issues to be addressed in the second trade secret trial	October 1, 2019	January 23, 2020
Deadline for oppositions to dispositive motions and <i>Daubert</i> motions covering issues to be addressed in the second trade secret trial	October 15, 2019 (or two weeks after dispositive motions are filed)	February 6, 2020 (or two weeks after dispositive motions are filed)
Deadline for replies supporting dispositive motions and <i>Daubert</i> motions covering issues to be addressed in the second trade secret trial	October 22, 2019 (or one week after oppositions are filed)	February 13, 2020 (or one week after oppositions are filed)
Deadline for <i>in limine</i> motions for the second trade secret trial	December 10, 2019	February 27, 2020
Joint pretrial statement for the second trade secret trial due	November 22, 2019	March 17, 2020
Pretrial conference for the second trade secret trial	December 13, 2019, subject to the Court's availability and convenience	March 27, 2020 at 2:00 p.m., subject to the Court's availability and convenience

Event	Current / Previous Date	Proposed Revised / New Date
Parties to deliver three sets of pre-marked exhibits to the Courtroom Deputy for the second trade secret trial	January 22, 2020	April 6, 2020
The second trade secret trial	Begins February 3, 2020 at 8:30 a.m., subject to the Court's availability and convenience	April 13, 2020 at 8:00 a.m., subject to the Court's availability and convenience

Dated: July 26, 2018

KIRKLAND & ELLIS LLP

By: /s/ Michael W. De Vries
Michael W. De Vries

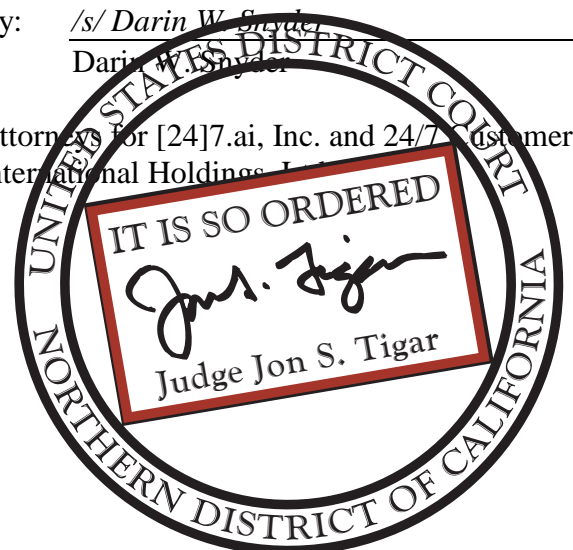
Attorneys for LivePerson, Inc.

Dated: July 26, 2018

O'MELVENY & MYERS LLP

By: /s/ Darin W. Snyder
Darin W. Snyder

Attorneys for [24]7.ai, Inc. and 24/7 Customer International Holdings, Inc.



1 **ATTESTATION:** Pursuant to Local Rule 5-1(i)(3) I hereby attest that concurrence in the filing
2 of this document has been obtained from Darin Snyder.

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By: /s/ Michael W. De Vries
Michael W. De Vries