

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

24/7 CUSTOMER, INC.,
Plaintiff,

v.

LIVEPERSON, INC.,
Defendant.

Case No. 15-cv-02897-JST

AMENDED SCHEDULING ORDER

In light of the Court's prior order, which granted Defendant LivePerson, Inc.'s motion to enlarge the time to serve invalidity contentions, the Court hereby amends the remaining case schedule as follows:

| Event | Deadline |
|---|--------------------|
| Invalidity Contentions (Patent L.R. 3-3) | June 20, 2016 |
| Exchange of Proposed Terms for Construction (Patent L.R. 4-1) | July 4, 2016 |
| Exchange Preliminary Claim Constructions and Extrinsic Evidence (Patent L.R. 4-2) | July 25, 2016 |
| Joint Claim Construction and Prehearing Statement (Patent L.R. 4-3) | August 16, 2016 |
| Close of Claim Construction Discovery (Patent L.R. 4-4) | September 15, 2016 |
| Opening Claim Construction Brief (Patent L.R. 4-5) | September 30, 2016 |
| Responsive Claim Construction Brief (Patent L.R. 4-5) | October 14, 2016 |
| Reply Claim Construction Brief (Patent L.R. 4-5) | October 24, 2016 |

| Event | Deadline |
|--|---|
| Tutorial | November 8, 2016 at 2:00 p.m. |
| Claim construction hearing | December 6, 2016 at 2:00 p.m. |
| Last day to hold the ADR private mediation session | 60 days after the Court issues a Claim Construction Order |

Counsel may not modify these dates without leave of court. The parties shall comply with the Court’s standing orders, which are available at cand.uscourts.gov/jstorders.

The parties shall meet and confer regarding the format, scope, and content of both the tutorial and the claim construction hearing, including but not limited to the permissible subjects of discussion at each, whether experts will testify, and what audio-visual equipment, if any, will be needed by the parties. They also shall exchange copies of any audio-visual material at least **ten court days** before they intend to use it in court, and shall bring any disputes regarding the format, scope, or content of any tutorial or hearing to the Court’s attention at least **five court days** before the tutorial or hearing. The Court will deem as waived any objection raised less than five court days before the tutorial or hearing. The parties shall lodge hard copies of their presentation materials with the Court on the day of the tutorial or claim construction hearing.

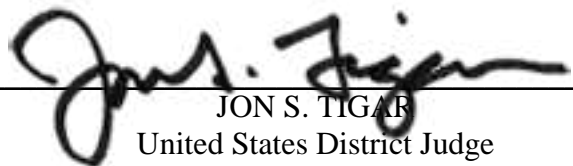
The Court will reserve no more than two hours on its calendar for the tutorial, including a brief recess. The tutorial will not be reported by a court reporter.

At claim construction, the Court will construe only the terms the parties identify in their Joint Claim Construction and Prehearing Statement as “most significant to the resolution of the case up to a maximum of 10.” Patent L.R. 4-3(c). The Court will reserve no more than two-and-a-half hours on its calendar for the claim construction hearing, including a brief recess. The Court prefers that the parties proceed term-by-term, with each party providing its views on each term before moving on to the next. The Court’s use of time limits means that the parties may not have the opportunity to present oral argument on every term they have submitted for construction, and the parties should prioritize their presentations accordingly.

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 must take all necessary steps to conduct discovery, compel discovery, hire counsel, retain experts, and manage their calendars so that they can complete discovery in a timely manner and appear on the noticed and scheduled dates. All counsel must arrange their calendars to accommodate these dates, or arrange to substitute or associate in counsel who can.

Dated: April 18, 2016


JON S. TIGAR
United States District Judge