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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

24/7 CUSTOMER, INC.,

Plaintiff,

v.

LIVEPERSON, INC.,

Defendant.

Case No. 15-cv-02897-JST

**ORDER REGARDING THE PARTIES'
JOINT DISCOVERY LETTER BRIEF;
AMENDED SCHEDULING ORDER**

Re: ECF No. 74

The parties in this patent case have submitted a joint discovery letter brief with their respective proposals for reducing the number of asserted claims and prior art references in this action. ECF No. 74. Having read the parties' proposals and arguments, the Court adopts the proposal and schedule offered by 24/7 Customer, Inc.

The Court hereby sets the following case deadlines:

Event	Deadline
Produce accused product source code in N.D. Cal.	May 20, 2016
Invalidity contentions	June 20, 2016
Exchange proposed terms for construction	July 4, 2016
Exchange preliminary claim constructions and extrinsic evidence	July 25, 2016
Joint claim construction statement	August 16, 2016
Close of claim construction discovery	September 15, 2016
Reduce asserted claims to 70 (no more than 8 claims per patent)	September 15, 2016

United States District Court
Northern District of California

Event	Deadline
Reduce asserted prior art references to 80 (no more than 10 references per patent)	September 29, 2016
Claim construction opening brief	September 30, 2016
Claim construction responsive brief	October 14, 2016
Claim construction reply brief	October 24, 2016
Tutorial	November 8, 2016 at 2:00 p.m.
Claim construction hearing	December 6, 2016 at 2:00 p.m.
Reduce asserted claims to 30 (no more than 4 claims per patent)	28 days before expert disclosures
Reduce asserted prior references to 40 (no more than five references per patent)	Deadline for expert disclosures

Any request to increase the limits contained in this Order must specifically show why the inclusion of additional asserted claims or prior art references is warranted. See In re Katz Interactive Call Processing Patent Litig., 639 F.3d 1202, 1312–13 (Fed. Cir. 2011).

Counsel may not modify these dates without leave of court. The parties shall also 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

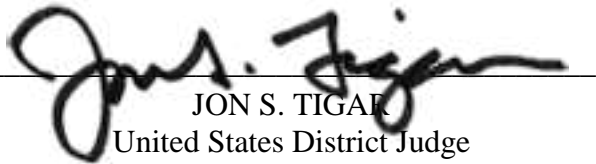
1 brief recess. The tutorial will not be reported by a court reporter.

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

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

14 IT IS SO ORDERED.

15 Dated: May 17, 2016

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17 JON S. TIGARI
18 United States District Judge

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