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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA

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8 E.DIGITAL CORPORATION,  
9 Plaintiff,  
10 v.  
11 IBABY LABS, INC.,  
12 Defendant.

Case No. 15-cv-05790-JST

**SCHEDULING ORDER**

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14 The Court hereby sets the following case deadlines pursuant to Federal Rule of Civil  
15 Procedure 16 and Civil Local Rule 16-10:

Event	Deadline
Deadline to amend the pleadings	June 10, 2016 <sup>1</sup>
Claim construction discovery cut-off	November 4, 2016
Claim construction opening brief	November 18, 2016
Claim construction responsive brief	December 2, 2016
Claim construction reply brief	December 9, 2016
Tutorial	January 3, 2017 at 2:00 p.m.
Claim construction hearing	January 17, 2017 at 1:30 p.m. <sup>2</sup>

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<sup>1</sup> The effect of this deadline is to trigger Rule 16's good cause requirement. Fed. R. Civ. P. 16(b)(4).

<sup>2</sup> If the Court is in trial on this date, the hearing will begin at 2:00 p.m. and will last no more than

1           The Court also adopts the other proposed deadlines in the parties’ Joint Case Management  
2 Statement, ECF No. 35, to the extent they are consistent with this order.

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

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

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

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

24           The parties must take all necessary steps to conduct discovery, compel discovery, hire  
25 counsel, retain experts, and manage their calendars so that they can complete discovery in a timely

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two hours.

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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.

The Case Management Conference currently scheduled for June 8, 2016 is VACATED.

Dated: June 6, 2016

  
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JON S. TIGAR  
United States District Judge