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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 NEST LABS, INC.,  
12 Defendant.

Case No. 16-cv-00375-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
Claim construction discovery cut-off	September 30, 2016
Claim construction opening brief	October 14, 2016
Claim construction responsive brief	October 28, 2016
Claim construction reply brief	November 4, 2016
Tutorial	December 5, 2016 at 2:00 p.m.
Claim construction hearing	December 12, 2016 at 1:30 p.m.

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25 The Court also adopts the additional deadlines set forth in the parties' Joint Case  
26 Management Statement, ECF No. 25-1.

United States District Court  
Northern District of California

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

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

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

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

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

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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.

Dated: May 4, 2016

  
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JON S. TIGAR  
United States District Judge