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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

INTERNATIONAL TEST SOLUTIONS,  
INC,  
  
Plaintiff,  
  
v.  
  
MIPOX INTERNATIONAL  
CORPORATION, et al.,  
  
Defendants.

Case No. [16-cv-00791-RS](#)

**CASE MANAGEMENT SCHEDULING  
ORDER**

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the parties attended a Case Management Conference on May 26, 2016. After considering the Joint Case Management Statement submitted by the parties and consulting with the attorneys of record for the parties and good cause appearing, IT IS HEREBY ORDERED THAT:

1. ALTERNATIVE DISPUTE RESOLUTION.

MEDIATION: The parties are hereby REFERRED to the court’s ADR department for the purpose of engaging in panel mediation to take place, ideally, within the next 120 days.

2. AMENDING THE PLEADINGS.

The deadline to amend the pleadings without seeking leave from the Court shall be October 31, 2016. After that date, any amendment of the pleadings shall be governed by Rule 15 of the Federal Rules of Civil Procedure.

3. DISCOVERY.

A. Depositions

(a) Fact Witnesses – Each side shall be limited to seventy (70) hours of deposition testimony of party and non-party fact witnesses. The deposition time of testifying experts is not included within the total amount of deposition time allowed to each side. No witness

1 may be deposed in their personal capacity for more than seven (7) hours, which shall be completed  
2 in a single day, unless otherwise agreed by the parties. Unless otherwise agreed to by the parties,  
3 no witness shall provide more than seven (7) hours of deposition testimony in one (1) day. The  
4 total testimony time of a witness who testifies in both a personal capacity and under Fed. R. Civ.  
5 P. 30(b)(6) shall not exceed ten (10) hours, unless otherwise agreed to by the parties or with a  
6 showing of good cause for why additional time is needed. The depositions of non-English  
7 speaking fact witnesses will only count as half-time against the total hours allotment. Additionally,  
8 no witness requiring translation shall be deposed for more than fourteen (14) hours unless agreed  
9 upon by the parties. Depositions shall take place in the United States, and employees of an affiliate  
10 of a Party shall be treated as a witness of that Party.

11 (b) Experts – Each deposition of an expert witness shall be limited to seven (7) hours,  
12 except that if an expert is testifying on both validity/invalidity and infringement/noninfringement,  
13 then the expert may be deposed for up to seven (7) hours regarding the topic of validity/invalidity  
14 and up to seven (7) hours regarding the topic of infringement/noninfringement. Testifying experts  
15 are not included within the total hours of depositions specified above at 8(c)(1)(a).

16 (c) Claim Construction Discovery – Each witness identified in the Joint Claim  
17 Construction and Prehearing Statement under Patent L.R. 4-3(e) may be deposed for up to five (5)  
18 hours regarding the topic of claim construction, including each opinion to be offered related to  
19 claim construction and the basis of that opinion. Deposition time for each such witness is not  
20 included within the total hours of depositions specified above at 8(C)(1)(a).

21 B. Interrogatories

22 Each party may serve up to 25 interrogatories on each opposing party consistent with Fed.  
23 R. Civ. P. 33.

24 C. Requests for Admission

25 Each party shall be limited to 100 requests for admission with respect to substantive  
26 matters.

27 D. Requests for Production

1 Each party shall be limited to a reasonable number of requests for production of documents  
2 or for inspection.

3 4. DISCOVERY DISPUTES.

4 Discovery disputes will be referred to a Magistrate Judge. After the parties have met and  
5 conferred, the parties shall prepare a joint letter of not more than 5 pages explaining the dispute.  
6 Up to 12 pages of attachments may be added. The joint letter must be electronically filed under  
7 the Civil Events category of “Motions and Related Filings > Motions--General > Discovery Letter  
8 Brief.” The Magistrate Judge to whom the matter is assigned will advise the parties of how that  
9 Judge intends to proceed. The Magistrate Judge may issue a ruling, order more formal briefing, or  
10 set a telephone conference or a hearing. After a Magistrate Judge has been assigned, all further  
11 discovery matters shall be filed pursuant to that Judge’s procedures.

12 5. SCHEDULING

13 The case will be scheduled as follows:

- 14 • Disclosure of asserted claims and infringement  
15 contentions and supporting documents: June 9, 2016
- 16 • Invalidity contentions and supporting documents: July 25, 2016
- 17 • Exchange of proposed terms for construction: August 8, 2016
- 18 • Exchange of preliminary claim constructions and  
19 extrinsic evidence: August 29, 2016
- 20 • Joint claim construction and prehearing statement: September 26, 2016
- 21 • Complete claim construction discovery: October 26, 2016
- 22 • Markman hearing: January 30, 2017, at  
23 10:00 a.m.

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25 **IT IS SO ORDERED.**

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27 Dated: May 26, 2016

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RICHARD SEEBORG  
United States District Judge