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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO**
14

15 LivePerson, Inc.,

16 Plaintiff,

17 v.

18 [24]7.ai, Inc.,

19 Defendant.
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Case No. 3:17-cv-01268-JST (KAW)

**STIPULATION AND ~~PROPOSED~~ ORDER
GRANTING LEAVE TO SERVE
SUPPLEMENTAL DAMAGES REPORTS
AND AMENDED CASE SCHEDULE**

**~~PROPOSED~~ ORDER GRANTING
LEAVE TO SERVE SUPP. DAMAGES
REPORTS AND AMD. CASE SCHEDULE**
3:17-CV-01268-JST (KAW)

Before the Court is the parties' agreed approach to the supplementation of the report of LivePerson, Inc.'s ("LivePerson") damages expert, Dr. William Choi, following the Court's October 26, 2018 Order Granting in Part and Denying in Part Summary Judgment (Dkt. 434). After consideration and good cause appearing, the Court hereby makes the following order and adopts the following amended case deadlines.

1. LivePerson is granted leave to supplement Dr. Choi's damages report consistent with the Court's order on [24]7's Motion for Summary Judgment (Dkt. 484).

2. [24]7 may supplement the responsive report of its damages expert, Sue Stuckwisch, solely to the extent necessary to rebut Dr. Choi's supplemental report.

3. Each party may depose the other party's damages expert regarding their supplemental report. Each such deposition shall be limited to 3 hours on the record.

4. Each party reserves the right to propose, and if necessary to request leave from the Court to conduct, further, limited, fact discovery that may be necessary for the supplemental expert damages reports.

5. The case deadlines set forth in the parties' July 26, 2018 Joint Case Management Statement (Dkt. No. 418) regarding the first trade secret trial are adopted and/or amended as follows. All other dates relating to the patent trial and further trade secret trial are as set forth in the parties' July 26, 2018 Joint Case Management Statement (Dkt. 418).

Event	Current Date	Amended Date
Choi supplemental damages report	n/a	December 4, 2018
Stuckwisch supplemental damages report	n/a	January 15, 2018
Completion of further damages expert depositions	n/a	January 25, 2019

Deadline for in limine motions for the first trade secret trial	February 8, 2019	No change.
Joint pretrial statement for the first trade secret trial due	March 5, 2019	No change.
Pretrial conference for the first trade secret trial	March 15, 2019 at 2:00 p.m.	No change.
Parties to deliver three sets of pre-marked exhibits to the Courtroom Deputy for the first trade secret trial	March 25, 2019	No change.
The first trade secret trial	April 1, 2019 at 8:00 a.m.	No change.

Respectfully submitted,

Dated: November 2, 2018

KIRKLAND & ELLIS LLP
By: /s/ Michael W. De Vries
Michael W. De Vries

Attorneys for
LIVEPERSON, INC.

Dated: November 2, 2018

O'MELVENY & MYERS LLP
By: /s/ Darin W. Snyder
Darin W. Snyder

Attorneys for
[24]7.AI, INC.

ATTESTATION

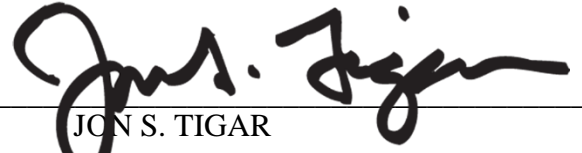
Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from Michael De Vries.

O'MELVENY & MYERS LLP
By: /s/ Darin W. Snyder
Darin S. Snyder

ORDER

IT IS SO ORDERED.

Dated: November 6, 2018



JON S. TIGAR

United States District Judge