

United States District Court
Northern District of California

ALEKSANDR L. YUFA,

Plaintiff,

v.

TSI INCORPORATED,

Defendant.

Case No.: CV 09-01315 KAW

ORDER REGARDING TUTORIAL AND
CLAIM CONSTRUCTION HEARING

The Court will hold the a tutorial on September 6, 2013 at 10:00 a.m. The Claim Construction hearing will be held on Friday, September 27, 2013 at 1:00 p.m.

I. Tutorial

At the Tutorial, each side will be permitted 30-45 minutes to present a summary of the background of the technology involved, an explanation of the nature of the problem the inventor sought to solve, and reference to the prior art in existence at the time of conception. The patent holder will make the first presentation. Visual aids are encouraged. The court prefers that someone other than counsel make the presentation. No argument or examination will be permitted. The proceeding is not recorded and statements made during the tutorial may not be cited as judicial admissions against a party.

II. Claim Construction Hearing

The Claim Construction Hearing will be limited to three hours. The patent holder will act as the moving party for the purposes of claim construction. The court will not ordinarily hear extrinsic evidence at the claim construction hearing. Should it become apparent that testimony will be necessary, counsel may request a telephone conference with the court within two weeks of the hearing to seek the court's approval.

1 Demonstrative exhibits and visual aids are permissible at the hearing as long as they are
2 based on information contained in the papers already filed. Counsel shall exchange copies of
3 exhibits no later than 48 hours prior to the hearing, and will provide the Court with two chambers
4 copies of all exhibits no later than 24 hours prior to the hearing.

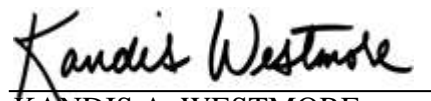
5 **III. Subsequent Case Management Conference**

6 Upon issuance of the claim construction ruling, the court will also set a date for a further
7 case management conference. In the case management statement to be filed 7 calendar days prior
8 to the conference, the parties must address the following topics:

- 9 a) Anticipated post-claim construction discovery;
10 b) the filing of dispositive motions;
11 c) if willful infringement has been asserted, whether the allegedly-infringing party wishes to
12 rely on the advice of counsel defense. If so, the parties should be prepared to address proposals
13 for resolving any attorney-client privilege issues that arise, and whether the parties believe
14 bifurcation of the trial into liability and damages phases would be appropriate;
15 d) the progress of settlement discussions, if any; and
16 e) any other pretrial matters.

17 IT IS SO ORDERED.

18 Dated: August 19, 2013

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21 KANDIS A. WESTMORE
22 United States Magistrate Judge
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