

United States District Court  
Northern District of California

1  
2  
3  
4  
5  
6 ALEKSANDR L. YUFA,  
7 Plaintiff,  
8 v.  
9 TSI INCORPORATED,  
10 Defendant.

Case No.: CV 09-01315 KAW

ORDER REGARDING TUTORIAL AND  
CLAIM CONSTRUCTION HEARING

11  
12 The Court will hold the a tutorial on September 6, 2013 at 10:00 a.m. The Claim  
13 Construction hearing will be held on Friday, September 27, 2013 at 1:00 p.m.

**I. Tutorial**

14  
15 At the Tutorial, each side will be permitted 30-45 minutes to present a summary of the  
16 background of the technology involved, an explanation of the nature of the problem the inventor  
17 sought to solve, and reference to the prior art in existence at the time of conception. The patent  
18 holder will make the first presentation. Visual aids are encouraged. The court prefers that  
19 someone other than counsel make the presentation. No argument or examination will be  
20 permitted. The proceeding is not recorded and statements made during the tutorial may not be  
21 cited as judicial admissions against a party.

**II. Claim Construction Hearing**

22  
23 The Claim Construction Hearing will be limited to three hours. The patent holder will act  
24 as the moving party for the purposes of claim construction. The court will not ordinarily hear  
25 extrinsic evidence at the claim construction hearing. Should it become apparent that testimony  
26 will be necessary, counsel may request a telephone conference with the court within two weeks of  
27 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.

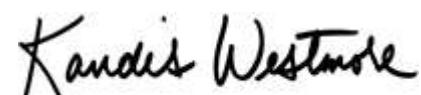
5 **III. Subsequent Case Management Conference**

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

19  
20   
21 KANDIS A. WESTMORE  
22 United States Magistrate Judge  
23  
24  
25  
26  
27  
28