

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AFFINITY LABS OF TEXAS, LLC., a
Texas Limited Liability Company,

Plaintiff,

v.

APPLE INC., a California
Corporation,,

Defendant and
Counterclaim-Plaintiff.

No. C 09-04436 CW

ORDER REGARDING
STIPULATIONS FOR
ADDITIONAL
BRIEFING AND
RESETTING HEARING
DATE
(Docket No. 239 &
243)

The Court is willing to accept the parties' stipulations regarding briefing related to Apple's Motion to Strike the Supplemental Expert Report of Joseph C. McAlexander III and Dr. Kelly's deposition testimony. Docket Nos. 239 & 243.

However, this briefing schedule does not give the Court sufficient time to prepare for a June 23, 2011 hearing. The June 30, 2011 calendar is overfilled, and the Court is unavailable on July 7, 2011. Accordingly, the hearing is reset for July 14, 2011 at 2:00 pm. If that date is inconveniently scheduled the parties can propose a different date. The parties should note also that the Court may be unable to enter an order after a July 14, 2011

1 hearing before the August 5, 2011 date for pretrial conference
2 preparation. This could in turn lead to difficulty with the
3 pretrial conference and trial dates.

4 Apple's Reply Brief filed on June 9, 2011 exceeds the page
5 limits set forth in this Court's May 12, 2011 Order and violates
6 Civil Local Rule 7-3(c), which requires that any evidentiary
7 objections be contained within the reply brief. Failure to comply
8 with this Court's orders and Local Rules will lead this Court to
9 strike noncompliant briefing.

10 IT IS SO ORDERED.

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12 Dated: 6/20/2011

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12 CLAUDIA WILKEN
13 United States District Judge