

1 William J. Robinson (State Bar No. 83729)
email: wrobinson@foley.com

2 Victor de Gyrfas (State Bar No. 171950)
email: vdeggyrfas@foley.com

3 Justin M. Sobaje (State Bar No. 234165)
email: jsobaje@foley.com

4 **FOLEY & LARDNER LLP**
555 South Flower Street, Suite 3500
5 Los Angeles, CA 90071-2411
Telephone: 213-972-4500
6 Facsimile: 213-486-0065

7 Gina Bibby (State Bar No. 242657)
email: gbibby@foley.com

8 **FOLEY & LARDNER LLP**
975 Page Mill Road
9 Palo Alto, CA 94304-1013
Telephone: 650-856-3700
10 Facsimile: 650-856-3710

11 Attorneys for Plaintiff **FORMFACTOR, INC**

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

16 FORMFACTOR, INC., a Delaware
corporation,

17 Plaintiff,

18 v.

19 MICRO-PROBE INCORPORATED, a
20 California corporation; and DAVID
BROWNE, an individual,

21 Defendant.
22
23

CASE NO. 4:10-CV-03095-PJH (JCS)

**REVISED STIPULATION AND
[PROPOSED] ORDER RE PHASE 1
SCHEDULE**

Following several meet and confer conferences between counsel for the parties pursuant to the Court's Civil Minutes dated April 28, 2011 (Doc. 91), it is hereby stipulated, by and between Plaintiff FormFactor, Inc. ("FormFactor") and Defendants Micro-Probe Incorporated ("Micro-Probe") and David Browne ("Browne") (collectively, the "Parties"), through their respective counsel, subject to the approval of the Court, that the schedule below shall apply to the Phase 1 proceedings in this action.

Event	Proposed Dates (Phase 1)	Proposed Dates (Phase 2)
Fact Discovery Cutoff	March 30, 2012	
Opening Expert Reports	April 6, 2012	
Rebuttal Expert Reports	April 27, 2012	
Expert Discovery Cutoff	May 11, 2012	
Summary Judgment Hearing	June 7, 2012	
Meet and confer regarding preparation of joint trial statement [35 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B2]	June 7, 2012	
Joint Pretrial Statement, Serve and File [due 28 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B3]	June 14, 2012	
Trial Briefs, Serve and File [due 28 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B3]	June 14, 2012	
Motions In Limine (no more than 10 allowed), Serve and File [due 28 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B3]	June 14, 2012	
Deposition excerpts for witnesses who will not testify in person and other discovery responses that would be offered in trial, Serve and File [due 28 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B3]	June 14, 2012	
List of All Witnesses to Testify in Trial (with brief description of the substance of their statement), Serve and File [due 28 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B3]	June 14, 2012	
Numerical list of exhibits (with purpose and names of	June 14, 2012	

1	sponsoring witnesses), Serve and File [<i>due 28 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B3</i>]		
2			
3	Exchange of pre-marked exhibits [<i>due 28 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B3</i>]	June 14, 2012	
4			
5	All premarked exhibits, Submit to Court (2 sets for jury trials) [<i>due 28 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B3</i>]	June 14, 2012	
6			
7	Request for confidential treatment of any exhibits, Serve and File [<i>due 28 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B3</i>]	June 14, 2012	
8			
9			
10	Joint Voire Dire Questions and Joint Jury Instructions, Serve and File [<i>due 28 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B3</i>]	June 14, 2012	
11			
12	Proposed finding of fact and conclusions of law, Serve and File [<i>due 28 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B3</i>]	June 14, 2012	
13			
14	Proposed Verdict Form (with no reference to submitting party), Serve and File [<i>due 28 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B3</i>]	June 14, 2012	
15			
16			
17	Oppositions to Motions In Limine [<i>due not less than 14 days prior to pre-trial conference per Judge Hamilton's Standing Order on Pretrial Instructions, Sec. B5</i>]	June 28, 2012	
18	Pre-Trial Conference	July 12, 2012	
19	Trial (Phase 1)	August 6, 2012	
20	Initial Case Management Conference (Phase 2)		TBD
21	Disclosure of Asserted Claims and Infringement Contentions		April 29, 2011 (Already Done)
22	Invalidity Contentions		July 15, 2011 (Already Done)
23	Exchange of Proposed Terms for Construction		July 2, 2012
24	Exchange of Preliminary Claim Construction and Extrinsic Evidence		July 9, 2012
25			
26	Party to demonstrate good cause if it is seeking more than ten terms to be construed [<i>no later than 2 weeks prior to the Joint Claim Construction Statement Judge Hamilton's Patent Standing Order point 4</i>]		August 29, 2012
27			
28	Joint Claim Construction Statement		September 12,

		2012
Discovery Related to Claim Construction Ends		September 26, 2012
Opening Claim Construction Brief [<i>to be filed at least 6 weeks prior to claim construction hearing per Judge Hamilton's Patent Standing Order point 8</i>]		October 3, 2012
Answering Claim Construction Brief		October 17, 2012
Reply Claim Construction Brief		October 24, 2012
Claim Construction Hearing		November 14, 2012

Dated: November 1, 2011

/s/ William J. Robinson
William J. Robinson
FOLEY & LARDNER LLP
Attorneys for Formfactor, Inc.

Dated: November 1, 2011

/s/ Mark Fowler
Mark Fowler
DLA Piper LLP (US)
Attorneys for Micro-Probe, Inc.

Dated: November 1, 2011

/s/ Deborah F. Sirias
Deborah F. Sirias
Lewis Brisbois Bisgaard & Smith LLP
Attorneys for David Browne

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

It is so ordered.

Dated: 11/7/11

