IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ZIONS BANCORPORATION,   No. C 10-3481 CW

      Plaintiff,

    v.

U.S. ETHERNET INNOVATIONS, LLC,

      Defendant.

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U.S. ETHERNET INNOVATIONS, LLC,   No. C 10-3724 CW

      Plaintiff,

    v.

ACER, INC.; ACER AMERICA
CORPORATION; APPLE, INC.; ASUS
COMPUTER INTERNATIONAL; ASUSTEK
COMPUTER, INC.; DELL, INC.;
FUJITSU, LTD.; FUJITSU AMERICA,
INC.; GATEWAY, INC.; HEWLETT
PACKARD CO.; SONY CORPORATION;
SONY CORPORATION OF AMERICA; SONY
ELECTRONICS INC.; TOSHIBA
CORPORATION; TOSHIBA AMERICA,
INC.; and TOSHIBA AMERICA
INFORMATION SYSTEMS, INC.,

      Defendants,

INTEL CORPORATION; NVIDIA
CORPORATION; MARVELL
SEMICONDUCTOR, INC.; ATHEROS
COMMUNICATIONS, INC.; and
BROADCOM CORPORATION,

      Intervenors.

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U.S. ETHERNET INNOVATIONS, LLC,	No. C 10-5254 CW
Plaintiff,	CASE MANAGEMENT ORDER
v.	
AT&T MOBILITY LLC; BARNES & NOBLE, INC.; CLAIRE'S BOUTIQUES, INC.; J. C. PENNEY COMPANY, INC.; SALLY BEAUTY HOLDINGS, INC.; ANN TAYLOR STORES CORPORATION; ANN TAYLOR RETAIL, INC.; HARLEY-DAVIDSON, INC.; HARLEY-DAVIDSON MOTOR COMPANY, INC.; KIRKLAND'S INC.; KIRKLAND'S STORES, INC.; MACY'S, INC.; MACY'S RETAIL HOLDINGS, INC.; MACY'S WEST STORES, INC.; NEW YORK & COMPANY, INC.; LERNER NEW YORK, INC.; RADIOSHACK CORPORATION; RENT-A-CENTER, INC.; and THE DRESS BARN, INC.,	
Defendants.	

_____/

AND ALL RELATED CLAIMS AND COUNTERCLAIMS

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This Order applies to the non-stayed portions of the above captioned cases only. The Case Management Statement filed by the parties is hereby adopted by the Court as the Case Management Order for the case, except as may be noted below.

The Court re-refers these actions to the Court's Alternative Dispute Resolution (ADR) Multi-Option Program.

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Event	Date
Deadline for any party who wishes to add a party or claims and any non-party who wishes to intervene to file a motion seeking leave to do so	Thursday, March 14, 2013[1]
Deadline for parties to meet and confer in an attempt to agree on an alternative dispute resolution (ADR) process and to file an ADR Certification form and appropriate stipulation or notice of need for an ADR phone conference pursuant to ADR Local Rule 3-5	Thursday, March 14, 2013
Oppositions due to motions to add a party or claims or to intervene, including Defendant Apple, Inc.'s motion for leave to file a third party complaint (Docket No. 685 in Case No. 10-3724)	Thursday, March 28, 2013
Replies due in support of motions to add a party or claims or to intervene, including Apple's motion for leave	Thursday, April 4, 2013
Hearing on motions to add a party or claims or to intervene, including Apple's motion for leave	Thursday, April 18, 2013 at 2:00 p.m.
Deadline for Defendants and Intervenors to file a joint dispositive motion, contained in a single brief of twenty-five pages or less, addressing the application of the marking defense under 35 U.S.C. § 287 and whether recovery is limited to nominal damages if Defendants and Intervenors are able to prove ultimately that the accused features have been disabled for the entire time period for which Plaintiff can pursue damages	Thursday, April 25, 2013

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[1] The Court notes that Plaintiff represents that it may file "motions to supplement its infringement contentions to add products identified as discovery begins and progresses." Case Management Statement, 9. Such motions, if they are filed after this date and seek to add products that include chips supplied by companies not already party to these suits or that would otherwise implicate the technology of such companies, will be strongly disfavored.

Deadline for Plaintiff to file a response, of twenty-five pages or less, to Defendants' and Intervenors' dispositive motion regarding marking and nominal damages	Thursday, May 9, 2013
Deadline for Defendants and Intervenors to file a joint reply, in a single brief of fifteen pages or less, in support of their motion regarding marking and nominal damages	Thursday, May 16, 2013
Case Management Statement due	Thursday, May 30, 2013
Hearing on Defendants' and Intervenors' dispositive motion regarding marking and nominal damages and further case management conference	Thursday, June 6, 2013 at 2:00 p.m.
Deadline to complete ADR	November 15, 2013
Close of fact discovery	March 7, 2014
Deadline to disclose identities and reports of expert witnesses	April 24, 2014
Deadline to disclose identities and reports of rebuttal expert witnesses	May 23, 2014
Close of expert discovery	June 4, 2014
Deadline for Plaintiff to file its motion for judgment on the pleadings and any other dispositive motion, contained in a single brief of twenty-five pages or less.	Thursday, June 26, 2014
Deadline for Defendants and Intervenors to file their motion for summary judgment on remaining issues and their opposition to Plaintiff's dispositive motions, contained in a single joint brief of twenty-five pages or less.	Thursday, July 10, 2014
Deadline for Plaintiff to file its reply in support of its dispositive motion and its opposition to Defendants' and Intervenors' dispositive motion, contained in a single brief of fifteen pages or less.	Thursday, July 24, 2014

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Deadline for Defendants and Intervenors to file their joint reply in support of their dispositive motion, contained in a single brief of fifteen pages or less.	Thursday, July 31, 2014
Case Management Statement due	Thursday, August 7, 2014
Hearing on dispositive motions and further case management conference	Thursday, August 14, 2014, at 2:00 p.m.
Final pretrial conference	Wednesday, December 17, 2014, at 2:00 p.m.
Jury trial to begin	Monday, January 5, 2015, at 8:30 a.m.

Discovery is governed by the Federal Rules of Civil Procedure and has already been referred to a discovery Magistrate Judge. If any party seeks to conduct discovery that exceeds the limits set therein and is unable to obtain a stipulation to do so, it shall seek permission to do so from the discovery Magistrate Judge in compliance with her Standing Order. Similarly, if the parties seek to impose additional limits on the amount of discovery to be conducted that are not set forth in the Federal Rules of Civil Procedure and they are unable to reach an agreement, they may raise the dispute with the discovery Magistrate Judge in compliance with her Standing Order.

The Court's Standing Order for Pretrial Preparation shall apply and is attached.

IT IS SO ORDERED.

Dated: 2/19/2013

CLAUDIA WILKEN
United States District Judge

cc: ADR

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