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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.

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.

United States District Court
For the Northern District of California

1 U.S. ETHERNET INNOVATIONS, LLC,

No. C 10-5254 CW

2 Plaintiff,

CASE MANAGEMENT
ORDER

3 v.

4 AT&T MOBILITY LLC; BARNES &
5 NOBLE, INC.; CLAIRE'S BOUTIQUES,
6 INC.; J. C. PENNEY COMPANY, INC.;
7 SALLY BEAUTY HOLDINGS, INC.; ANN
8 TAYLOR STORES CORPORATION; ANN
9 TAYLOR RETAIL, INC.; HARLEY-
10 DAVIDSON, INC.; HARLEY-DAVIDSON
11 MOTOR COMPANY, INC.; KIRKLAND'S
12 INC.; KIRKLAND'S STORES, INC.;
13 MACY'S, INC.; MACY'S RETAIL
14 HOLDINGS, INC.; MACY'S WEST
15 STORES, INC.; NEW YORK & COMPANY,
16 INC.; LERNER NEW YORK, INC.;
17 RADIOSHACK CORPORATION; RENT-A-
18 CENTER, INC.; and THE DRESS BARN,
19 INC.,

20 Defendants.

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AND ALL RELATED CLAIMS AND
COUNTERCLAIMS

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.

1	<u>Event</u>	<u>Date</u>
2	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
3		
4	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
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8	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
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12	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
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14	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.
15		
16	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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25 ¹ The Court notes that Plaintiff represents that it may file
 26 "motions to supplement its infringement contentions to add
 27 products identified as discovery begins and progresses." Case
 28 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.

1	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
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4	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
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7	Case Management Statement due	Thursday, May 30, 2013
8	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.
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11	Deadline to complete ADR	November 15, 2013
12	Close of fact discovery	March 7, 2014
13	Deadline to disclose identities and reports of expert witnesses	April 24, 2014
14	Deadline to disclose identities and reports of rebuttal expert witnesses	May 23, 2014
15		
16	Close of expert discovery	June 4, 2014
17	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
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20	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
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23	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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1	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
3	Case Management Statement due	Thursday, August 7, 2014
5	Hearing on dispositive motions and further case management conference	Thursday, August 14, 2014, at 2:00 p.m.
7	Final pretrial conference	Wednesday, December 17, 2014, at 2:00 p.m.
8	Jury trial to begin	Monday, January 5, 2015, at 8:30 a.m.

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

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

22 IT IS SO ORDERED.

24 Dated: 2/19/2013



CLAUDIA WILKEN
United States District Judge

26 cc: ADR