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2 UNITED STATES DISTRICT COURT  
3 NORTHERN DISTRICT OF CALIFORNIA  
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5 BACKWEB TECHNOLOGIES,

6 Plaintiff(s),

No. C 10-4310 PJH

7 v.

**ORDER SETTING CASE  
MANAGEMENT CONFERENCE**

8 INTERNATIONAL BUSINESS MACHINES  
9 CORPORATION,

[Reassigned Case]

10 Defendant(s).  
11 \_\_\_\_\_/

12 TO ALL PARTIES AND COUNSEL OF RECORD:

13 The above matter having been reassigned to the Honorable Phyllis J. Hamilton. It is  
14 hereby ordered, pursuant to Fed. R. Civ. P. 16(b) and Civil L. R. 16-10, that a Case  
15 Management Conference shall be held in this case on **March 24, 2011**, at 2:00 p.m., in  
16 Courtroom 3, 3rd Floor, Federal Building, 1301 Clay Street, Oakland, California.

17 Counsel shall meet and confer as required by Fed. R. Civ. P. 26(f) prior to the Case  
18 Management Conference with respect to those subjects set forth in Fed. R. Civ. P. 16(c).  
19 **Not less than seven (7) days** before the conference, counsel shall file a joint case  
20 management statement addressing each of the items listed in the "Standing Order For All  
21 Judges of the Northern District -- Contents of Joint Case Management statement," which is  
22 attached to this order and can also be found on the court's website. A proposed order is  
23 not necessary. Following the conference, the court will enter its own Case Management  
24 and Pretrial Order. If any party is proceeding without counsel, separate statements may be  
25 filed by each party.

26 Each party shall appear personally or by counsel prepared to address all of the  
27 matters referred to in this Order and with authority to enter stipulations and make  
28 admissions pursuant to this Order. Any request to reschedule the date of the conference  
shall be made in writing, and by stipulation if possible, at least ten (10) days before the  
date of the conference and must be based upon good cause.



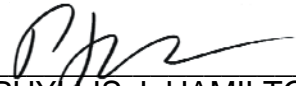
- 1 8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any  
2 proposed limitations or modifications of the discovery rules, and a proposed discovery plan  
3 pursuant to Fed. R. Civ. P. 26(f).
- 4 9. Class Actions: If a class action, a proposal for how and when the class will be  
5 certified.
- 6 10. Related Cases: Any related cases or proceedings pending before another judge of  
7 this court, or before another court or administrative body.
- 8 11. Relief: All relief sought through complaint or counterclaim, including the amount of  
9 any damages sought and a description of the bases on which damages are calculated. In  
10 addition, any party from whom damages are sought must describe the bases on which it  
11 contends damages should be calculated if liability is established.
- 12 12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific  
13 ADR plan for the case, including compliance with ADR L.R. 3-5 and a description of key  
14 discovery or motions necessary to position the parties to negotiate a resolution.
- 15 13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to  
16 have a magistrate judge conduct all further proceedings including trial and entry of  
17 judgment.
- 18 14. Other References: Whether the case is suitable for reference to binding arbitration, a  
19 special master, or the Judicial Panel on Multidistrict Litigation.
- 20 15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion,  
21 suggestions to expedite the presentation of evidence at trial (e.g., through summaries or  
22 stipulated facts), and any request to bifurcate issues, claims, or defenses.
- 23 16. Expedited Schedule: Whether this is the type of case that can be handled on an  
24 expedited basis with streamlined procedures.
- 25 17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of  
26 dispositive motions, pretrial conference and trial.
- 27 18. Trial: Whether the case will be tried to a jury or to the court and the expected length  
28 of the trial.

1 19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed  
2 the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. **In**  
3 **addition**, each party must restate in the case management statement the contents of its  
4 certification by identifying any persons, firms, partnerships, corporations (including parent  
5 corporations) or other entities known by the party to have either: (i) a financial interest in  
6 the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of  
7 interest that could be substantially affected by the outcome of the proceeding.

8 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of  
9 this matter.

10 IT IS SO ORDERED.

11 Dated: December 30, 2010

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14 PHYLLIS J. HAMILTON  
15 United States District Judge  
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