

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

3
4 POWERTECH TECHNOLOGY, INC.,

No. C 11-6121 CW

5 Plaintiff,

ORDER GRANTING
PTI'S MOTION TO
SET A DEADLINE FOR
DISCLOSURE OF
REBUTTAL EXPERTS
(Docket No. 300)

6 v.

7 TESSERA, INC.,

8 Defendant.

9 _____/

10 Plaintiff Powertech Technology, Inc. (PTI) has filed an
11 administrative motion seeking an order permitting the parties to
12 disclose the identities of their rebuttal

13 In the Court's initial case management order in this case, it
14 set a deadline for the parties to disclose the identities and
15 reports of expert witnesses and a separate deadline for the
16 parties to disclose the identities and reports of rebuttal
17 witnesses. Docket No. 30. Thereafter, the parties stipulated to
18 extend the case management deadlines several times. In their most
19 recent stipulation, which was granted by the Court on March 21,
20 2013, the parties set the following deadlines: May 12, 2013 to
21 disclose the identities of their experts; June 17, 2013 to
22 disclose opening expert reports; and August 9, 2013 to disclose
23 rebuttal expert reports. Docket Nos. 253, 258.

24 The parties did not include in their stipulation a deadline
25 for the disclosure of the identities of rebuttal expert witnesses,
26 to take place after their experts' opening reports were exchanged.
27 PTI maintains that this was an inadvertent oversight on its part
28 and that it "never intended to give up, or gave up, any right to

1 designate rebuttal experts after learning the substance of
2 Tessera's opening reports." Docket No. 300, 2.

3 PTI states that it believed that rebuttal experts were
4 supposed to be disclosed on August 9, 2013 at the same time that
5 their reports were due. It represents that, after it realized
6 this omission from the case management schedule existed in late
7 July 2013, it promptly disclosed the identity of a rebuttal
8 expert, Professor Andrew Lin, to Tessera. PTI asserts that
9 Tessera took the position that rebuttal experts had to be
10 disclosed on May 12, 2013, simultaneously with the disclosure of
11 the other experts and prior to the exchange of opening expert
12 reports.

13 PTI now asks the Court for an order setting the deadline for
14 disclosing rebuttal experts to August 9, 2013, to allow PTI to
15 submit a report from rebuttal expert Andrew Lin on August 9,
16 2013.¹ PTI filed the instant motion on August 2, 2013. Pursuant
17 to Civil Local Rule 6-3(b), Tessera's opposition, if any, was due
18 by August 6, 2013. No opposition has been received. Accordingly,
19 for good cause shown, PTI's motion is GRANTED (Docket No. 300).

20 IT IS SO ORDERED.

21
22 Dated: 8/12/2013

23 
24 _____
25 CLAUDIA WILKEN
26 United States District Judge

27 _____
28 ¹ PTI states that it will serve Tessera with the rebuttal
report of Andrew Lin on August 9, 2013, pending the decision of
the Court on the instant motion.