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TOYODA GOSEI CO., LTD.

15 **IN THE UNITED STATES DISTRICT COURT**
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
17 **OAKLAND DIVISION**

19 TOYODA GOSEI CO., LTD.,
20 Plaintiff,
21 v.
22 FORMOSA EPITAXY INC.,
23 Defendant.

Case No.: 4:12-cv-00823-YGR

[PROPOSED] SCHEDULING ORDER

JURY TRIAL DEMANDED

1 Pursuant to the Stipulation re: Modification to Case Schedule submitted by Plaintiff Toyoda
2 Gosei Co, Ltd. (“Toyoda Gosei”) and Defendant Formosa Epitaxy Inc. (“Forepi”) (collectively, the
3 “Parties”),

4 **IT IS HEREBY ORDERED THAT** the following schedule applies to the above-captioned
5 action:

Deadline	Date
Disclosure of Asserted Claims and Infringement Contentions and Associated Document Production	11/5/12
Disclosure of Invalidity Contentions and Associated Document Production	12/19/12
Exchange of Proposed Terms for Construction	1/7/13
Exchange Preliminary Claim Constructions and Extrinsic Evidence	2/1/13
Initial Good Faith Document Production Pursuant to Written Requests Served Prior to 10/10/12	2/4/13
Joint Claim Construction and Prehearing Statement ¹	2/20/13
Completion of Claim Construction Discovery	3/15/13
Last Date to Amend Pleadings Without Leave of Court	3/28/13
Toyoda Gosei Files Opening Claim Construction Brief	4/5/13
Forepi Files Responsive Claim Construction Brief	4/19/13
Toyoda Gosei Files Reply Claim Construction Brief	4/26/13
Technology Tutorial	5/10/13
Claim Construction Hearing	5/15/13

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25 ¹ The initial joint claim construction statement required by Patent Local Rule 4-3 shall be truly joint.
26 Disputed terms, phrases, and clauses shall be designated as disputed. All other terms shall be presumed
27 undisputed. For any term in dispute, the parties must agree on the identity of the term. For each claim,
28 each party shall identify with specificity the intended impact of the proposed constructions on the merits of
the case. With regard to disputed terms, phrases, or clauses, the joint statement shall list each disputed term,
phrase, or clause (listed by claim); each party’s proposed construction; support for each party’s proposed
construction side by side; and each party’s impact statement for each term to be construed. A model
construction statement is attached to the Court’s Standing Order in Patent Cases, available at
<http://cand.uscourts.gov/filelibrary/868/Standing%20Order%20re%20Patent%20Cases%20Revised%208.6.pdf>.

Deadline	Date
Exchange Initial Privilege Logs For Documents Produced Through 5/8/13	6/21/13
Close of Fact Discovery	8/9/13
Exchange Updated Privilege Logs For Any Supplemental Document Production	8/23/13
Burden of Proof Expert Reports and Designation of Expert Witnesses	TBD
Responsive Expert Reports	TBD
Close of Expert Discovery	TBD
Opening Summary Judgment and <i>Daubert</i> Motions	TBD
Opposition Briefs	TBD
Reply Briefs	TBD
Hearing of Summary Judgment and <i>Daubert</i> Motions	TBD
Pre-Trial Conference	TBD
Trial	TBD

IT IS SO ORDERED.

Dated: September 18, 2012



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE