

1 Eric L. Wesenberg, Bar No. 139696
 EWesenberg@perkinscoie.com
 2 Christopher L. Kelley, Bar No. 166608
 CKelley@perkinscoie.com
 3 Kenneth J. Halpern, Bar No. 187663
 KHalpern@perkinscoie.com
 4 Victoria Q. Smith, Bar No. 236045
 VSmith@perkinscoie.com
 5 Andrew N. Klein, Bar No. 300221
 AKlein@perkinscoie.com
 6 PERKINS COIE LLP
 7 3150 Porter Drive
 8 Palo Alto, CA 94304-1212
 Telephone: 650.838.4300
 9 Facsimile: 650.838.4350

10 *Attorneys for Plaintiff*
 11 *Slot Speaker Technologies, Inc.*

Mark D. Selwyn, Bar No. 244180
 Mark.Selwyn@wilmerhale.com
 WILMER CUTLER PICKERING
 HALE AND DORR LLP
 950 Page Mill Road
 Palo Alto, CA 94304
 Telephone: (650) 858-6000
 Facsimile: (650) 858-6100

Nina S. Tallon (*pro hac vice*)
 Nina.Tallon@wilmerhale.com
 WILMER CUTLER PICKERING
 HALE AND DORR LLP
 1875 Pennsylvania Avenue, NW
 Washington, DC 20006
 Telephone: (202) 663-6000
 Facsimile: (202) 663-6363

Attorneys for Defendant Apple Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SLOT SPEAKER TECHNOLOGIES, INC.,
 Plaintiff,
 v.
 APPLE INC.,
 Defendant.

Case No. 4:13-cv-01161-HSG (DMR)

STIPULATION AND ORDER
REQUESTING MODIFICATION TO
SCHEDULING ORDER

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1 Pursuant to L.R. 6-2, IT IS HEREBY STIPULATED, by and between Plaintiff Slot
2 Speaker Technologies, Inc. (“SST”) and Defendant Apple Inc. (“Apple”) (collectively, the
3 “Parties”), by and through their counsel of record, as follows:

4 WHEREAS, the Parties request modifications to the Scheduling Order (Dkt. 219) to allow
5 a 2-week extension of time to serve expert reports in view of the range of issues to be addressed
6 therein, and a corresponding extension of time to submit and to be heard on the Parties’
7 dispositive motions;

8 WHEREAS, the Parties’ requested modifications to the Scheduling Order do not affect
9 any dates specified in the Scheduling Order subsequent to the hearing date for dispositive
10 motions;

11 WHEREAS, the Parties have previously requested no other modifications to the
12 Scheduling Order, except for their May 10, 2017 request regarding an extension of time to
13 conduct certain depositions, which the Court granted (Dkt. 319, “Previous Order”);

14 WHEREAS, SST contends that it cannot take the deposition of Apple’s 30(b)(6) witness
15 on licensing (one of the depositions identified in the Previous Order) due to the ongoing
16 discovery dispute related to Apple’s production of licenses (Dkts. 327, 341, and 342) and SST
17 further contends that this deposition is necessary to the damages-related expert reports;

18 WHEREAS, the Parties respectfully submit that there is good cause to modify the existing
19 case schedule regarding the deadline for conducting expert discovery and dispositive motions, in
20 view of the range of issues to be addressed in expert reports, and the corresponding additional
21 time for dispositive motions needed after the proposed deadline to complete expert discovery;

22 WHEREAS, a 2-week extension of time for dispositive motions would place the proposed
23 hearing date on Thanksgiving;

24 WHEREAS, the Parties therefore request that the hearing date for dispositive motions be
25 extended by 4 weeks, which is still over 12 weeks before the scheduled Pretrial Conference on
26 March 6, 2018 (more than the 6 weeks required under Your Honor’s Standing Order for Civil
27 Cases); and
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1 WHEREAS, while the Parties prefer that deadlines for both expert reports and dispositive
 2 motions be extended but understand that extending the deadlines for dispositive motions requires
 3 a modification to the Court's calendar.

4 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties that
 5 subject to the Court's approval, the Scheduling Order is modified to one of the schedules below.

6 SCHEDULE A (PREFERRED)		
7 Event	Current Deadline	New Deadline
8 Initial Expert Reports	July 1, 2017	July 14, 2017
9 Rebuttal Expert Reports	August 1, 2017	August 14, 2017
10 Expert Discovery Deadline	September 1, 2017	September 15, 2017
11 Deadline to File Dispositive Motions	October 1, 2017	October 16, 2017
12 Dispositive Motion Hearing Date	November 9, 2017 at 2:00 pm	December 7, 2017 at 2:00 pm
13 Event	14 Deadline (unchanged)	
15 Exchange of Evidence	February 5, 2018	
16 Deadline to File Motions in Limine	February 12, 2018	
17 Oppositions to Motions in Limine	February 19, 2018	
18 Joint Pretrial Statement and Proposed Order	February 19, 2018	
19 Proposed Jury Instructions	February 19, 2018	
20 Proposed Voir Dire Instructions	February 19, 2018	
21 Proposed Verdict Forms	February 19, 2018	
22 Proposed Statement of the Case	February 19, 2018	
23 Trial Briefs (Optional)	February 19, 2018	
24 Pretrial Conference	March 6, 2018 at 3:00 p.m.	
25 Jury Trial	March 19, 2018 at 8:30 am, 10 days	

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SCHEDULE B		
Event	Current Deadline	New Deadline
Initial Expert Reports	July 1, 2017	July 14, 2017
Rebuttal Expert Reports	August 1, 2017	August 14, 2017
Expert Discovery Deadline	September 1, 2017	September 8, 2017
Event	Deadline (unchanged)	
Deadline to File Dispositive Motions	October 1, 2017	
Dispositive Motion Hearing Date	November 9, 2017 at 2:00 pm	
Exchange of Evidence	February 5, 2018	
Deadline to File Motions in Limine	February 12, 2018	
Oppositions to Motions in Limine	February 19, 2018	
Joint Pretrial Statement and Proposed Order	February 19, 2018	
Proposed Jury Instructions	February 19, 2018	
Proposed Voir Dire Instructions	February 19, 2018	
Proposed Verdict Forms	February 19, 2018	
Proposed Statement of the Case	February 19, 2018	
Trial Briefs (Optional)	February 19, 2018	
Pretrial Conference	March 6, 2018 at 3:00 p.m.	
Jury Trial	March 19, 2018 at 8:30 am, 10 days	

The Parties also respectfully request that the Court issue an order granting the relief requested.

1 DATED: June 21, 2017

By: /s/ Victoria Smith
Victoria Q. Smith, Bar No. 236045
PERKINS COIE LLP
3150 Porter Drive
Palo Alto, CA 94304-1212
Telephone: (650) 838-4300
Facsimile: (650) 838-4350

*Attorney for Plaintiff
Slot Speaker Technologies, Inc.*

7 DATED: June 21, 2017

By: /s/ Nina S. Tallon
Nina S. Tallon (*pro hac vice*)
Nina.Tallon@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363

Attorney for Defendant Apple Inc.

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16 **PURSUANT TO STIPULATION**, the Scheduling Order (Dkt. 219) is modified to Schedule **B**
17 above. **IT IS SO ORDERED.**

20 Dated: June 22, 2017


Hon. Haywood S. Gilliam, Jr.
United States District Judge

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ATTESTATION OF E-FILED SIGNATURES

I, Mark D. Selwyn, am the ECF user whose ID and password are being used to file this Stipulation and [Proposed] Order Requesting Modification to Scheduling Order. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in this filing has been obtained from Nina S. Tallon and Victoria Smith.

Dated: June 21, 2017

/s/ Mark D. Selwyn