

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIASLOT SPEAKER TECHNOLOGIES, INC.,
Plaintiff,
v.
APPLE, INC.,
Defendant.

Case No. 13-cv-01161-HSG

**ORDER DENYING ADMINISTRATIVE
MOTION TO POSTPONE BRIEFING**

Re: Dkt. No. 373

On October 1 and October 2, 2017, Defendant Apple, Inc. filed a motion for summary judgment as well as four Daubert motions to exclude the opinions of four of Plaintiff Slot Speaker Technologies, Inc.'s experts. See Dkt. Nos. 356, 361, 367, 369, 371. Defendant noticed all these motions for hearing on November 9, 2017. *Id.* The next day, in response, Plaintiff filed an administrative motion to postpone briefing and consideration of Defendant's Daubert motions until the Court's consideration of the parties' motions in limine at the pretrial conference. See Dkt. No. 373.

This delay, however, is inconsistent with the Court's Pretrial and Trial Standing Order, which states that "[t]he parties must frontload all evidentiary and legal disputes to the extent possible." And insofar as Plaintiff suggests that Daubert motions should be brought as motions in limine, the Court's standing order explicitly states that "[m]otions in limine cannot be used to . . . raise Daubert challenges unless the Court has specifically granted prior approval." Plaintiff's motion is therefore **DENIED**. The Court is not compelled to address pending motions at Plaintiff's convenience. If Plaintiff needs additional time to adequately respond to Defendant's motion for summary judgment and Daubert motions, Plaintiff should meet and confer with Defendant and file a stipulated briefing schedule and proposed order for the Court to review. In


United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

any such meet and confer discussion, Defendant must be reasonable in agreeing to an appropriate proposed schedule in light of the nature and complexity of the motions.

IT IS SO ORDERED.

Dated: 10/4/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge