

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CELLSPIN SOFT, INC.,  
Plaintiff,  
v.  
FITBIT LLC,  
Defendant.

Case No. 17-cv-05928-YGR  
Case No. 17-cv-5931-YGR  
Case No. 17-cv-5932-YGR  
Case No. 17-cv-5933-YGR  
Case No. 17-cv-5934-YGR  
Case No. 17-cv-5936-YGR

**SCHEDULING PRETRIAL ORDER**

**TO ALL PARTIES AND COUNSEL OF RECORD:**

On November 1, 2021, the Court conducted a case management conference with the parties. Upon further reflection, the Court finds this set of cases would benefit from a full revised schedule which it has constructed, in part, from the parties' joint submission. Accordingly, the Court hereby sets the following trial and pretrial dates:

**PRETRIAL SCHEDULE**

DEFENDANTS' DEADLINE TO FILE LETTERS REQUESTING LEAVE TO FILE MOTIONS FOR SUMMARY JUDGMENT	December 6, 2021
PLAINTIFF'S DEADLINE TO RESPOND TO DEFENDANTS' LETTER REQUESTING LEAVE	December 13, 2021
PRE-FILING HEARING ON LEAVE TO FILE MOTIONS FOR SUMMARY JUDGMENT <sup>1</sup>	December 16, 2021 at 9:00 a.m.
DAUBERT AND SUMMARY JUDGMENT MOTION DEADLINE	December 23, 2021
DAUBERT AND SUMMARY JUDGMENT OPPOSITION DEADLINE	January 20, 2022 (extended in recognition of the holiday season)
DAUBERT AND SUMMARY JUDGMENT REPLY DEADLINE	February 3, 2022

<sup>1</sup> See Standing Order regarding Pre-filing Conference Requirements for motions for summary judgment.

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HEARING ON DISPOSITIVE MOTIONS	February 25, 2022
EXCHANGE OF EXHIBITS (PURSUANT TO PARAGRAPH 6 OF STANDING ORDER RE: PRETRIAL INSTRUCTIONS IN CIVIL CASES)	March 25, 2022
EXCHANGE OF MOTIONS <i>IN LIMINE</i> (PARAGRAPH 4)	April 1, 2022
COMPLIANCE JOINT STATEMENT ( <i>SEE PAGE 2</i> )	April 8, 2022
OPPOSITIONS TO UNRESOLVED MOTIONS <i>IN LIMINE</i> (PARAGRAPH 4)	April 15, 2022
COMPLIANCE HEARING ( <i>SEE PAGE 2</i> )	Friday, April 15, 2022 at 9:01 a.m.
JOINT PRETRIAL CONFERENCE STATEMENT (PARAGRAPH 2)	April 19, 2022
JOINT TRIAL READINESS BINDERS (PARAGRAPH 3)	April 22, 2022
PRETRIAL CONFERENCE	Friday, May 6, 2022 at 9:00 a.m.
TRIAL DATE	Monday, May 23, 2022 at 8:30 a.m.

During the November 1, 2021 hearing, each defendant informed the Court that it intends to request leave to file a motion for summary judgment. Each defendant also intends to submit a *Daubert* motion addressing plaintiff’s three expert witnesses. To streamline the parties’ disputes, each party is limited to one *Daubert* motion for all three expert witnesses. The Court sets the page limits to 35 pages apiece for each individual party’s *Daubert* motion and opposition, and 20 pages apiece for reply briefs. To the extent the defendants’ arguments concerning plaintiff’s expert witnesses overlap, the Court permits the defendants to submit one single, joint, additional brief in support of the collective *Daubert* motions not to exceed 20 pages.

Pursuant to the Court’s Pretrial Instructions in Civil Cases at Paragraph 2, trial counsel shall meet and confer in advance of the Pretrial Conference. The compliance hearing on Friday, April 15, 2022 at 9:01 a.m. is intended to confirm that counsel have reviewed the Court’s Pretrial Setting Instructions and are in compliance therewith. The compliance hearing shall be held in the Federal Courthouse, 1301 Clay Street, Oakland, California, in Courtroom 1. Five (5) business

1 days prior to the date of the compliance hearing, the parties shall file a one-page JOINT  
2 STATEMENT confirming they have complied with this requirement or explaining their failure to  
3 comply. If compliance is complete, the parties need not appear and the compliance hearing will be  
4 taken off calendar. Telephonic appearances will be allowed if the parties have submitted a joint  
5 statement in a timely fashion. Failure to do so may result in sanctions.


6 Parties are advised that while the Court set a trial date in this action, the trial date may be  
7 advanced if the calendar opens. Said trial date will not be sooner than eight (8) weeks after the  
8 close of discovery.

9 Modification to the timing or extent of parties' discovery obligations under Fed. R. Civ. P.  
10 26 and other applicable rules may be done pursuant to a separate Court Order. The parties are  
11 directed to submit a JOINT proposed order to the Court within five (5) business days following  
12 the date of the Case Management Conference which sets forward the modifications.

13 The parties must comply with both the Court's Standing Order in Civil Cases and Standing  
14 Order for Pretrial Instructions in Civil Cases for additional deadlines and procedures. The dates  
15 listed in the above table at Page 1 control where there are conflicts, if any, between the above  
16 schedule and the timing described in the Court's Standing Order. All Standing Orders are  
17 available on the Court's website at <http://www.cand.uscourts.gov/ygrorders>.

18 **IT IS SO ORDERED.**

19 Dated: November 5, 2021

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21 YVONNE GONZALEZ ROGERS  
22 United States District Judge  
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