

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

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NO. C 03-02289 JW

In Re Ricoh Company, Ltd. Patent Litigation,

**ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE**

On September 15, 2008, the Court conducted a case management conference. Counsel for the respective parties were present. Based on the discussion at the conference, the Court orders as follows:

(1) On **December 5, 2008 at 9 a.m.**, parties shall appear before the Court to present a tutorial of the patent-in-suit. The purpose of the tutorial is to allow each party to inform the Court about the background of the technical information which is involved in the case and the nature of the dispute. Presentations may include demonstrations, expert testimony, or audio visual materials. No cross-examination will be permitted. However, the Court may pose questions to parties or witnesses. No record will be made of the proceedings. Statements made during the tutorial may not be cited as judicial admissions against a party.

(2) On **January 23, 2009 at 9 a.m.**, the Court will conduct a hearing on Plaintiff's anticipated Motion of Non-Infringement. Plaintiff shall notice this motion in accordance with the Civil Local Rules of the Court. Once the briefing is closed, the moving party shall compile a three ring binder (to be lodged with the Court) containing (a) the motion and any supporting memorandum of law; (b) the opposition memorandum; (c) any reply memorandum; and (d) any exhibits in support or opposition to the motion, which shall be clearly labeled. At the beginning of each binder the

1 moving party shall include, as appropriate, Chart A as described below; each statement shall be
2 supported by appropriate citations to the motion papers and or exhibits.

3
4 **Chart A - Summary of Infringement/Non-Infringement Issues**

5

Patent Claim/Elements	Stipulated Construction/Court Construction	Accused Product	Defense Asserted
'000 Patent, Claim 1			
an apparatus comprising	apparatus means: "a device which. . ."	Riverside Model 2	
1. a handle	"handle" means a part held by the human hand	Riverside Model 2	the product lacks a handle

6
7
8
9
10

11 (3) Electronic Storage of Exhibits: The Court has available a digital and video electronic
12 evidence presentation system. The parties are ordered to familiarize themselves with the system,
13 and to meet and confer about whether the case will involve voluminous documentation. If so, as the
14 parties identify documentary material which is likely to be used as trial exhibits, the parties are
15 ordered to electronically store these materials in a fashion which will facilitate displaying them
16 electronically during the trial. The parties are reminded that Civil L.R. 30-2(b) requires sequential
17 numbering of exhibits during depositions and that numbering must be maintained for those exhibits
18 throughout the litigation. Each proposed exhibit shall be pre-marked for identification. All exhibits
19 shall be marked with numerals. The parties shall meet and confer on a division which will avoid
20 duplication (e.g., Plaintiff: 1-99,000; Defendant #1: 100,000-299,999; Defendant #2: 300,000-
21 500,000).

22 (4) The Court refers the parties to the assigned Magistrate Judge for all discovery
23 disputes.

24
25 Dated: October 2, 2008



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

- 2 Brian A. E. Smith smithbrian@howrey.com
- 3 Christopher L. Kelley kelleyc@howrey.com
- 4 DeAnna Dahlyce Allen allend@dsmo.com
- 5 Denise M. De Mory demoryd@howrey.com
- 6 Eric Oliver OLIVERE@DSMO.COM
- 7 Erik Keith Moller invalidaddress@myrealbox.com
- 8 Ethan B. Andelman andelmane@howrey.com
- 9 Gary M. Hoffman HoffmanG@dicksteinshapiro.com
- 10 Henry C. Su suh@howrey.com
- 11 Jaclyn C. Fink finkj@howrey.com
- 12 Jeffrey B. Demain jdemain@altshulerberzon.com
- 13 Jonathan David Weissglass jweissglass@altshulerberzon.com
- 14 Kenneth W. Brothers BrothersK@dicksteinshapiro.com
- 15 Matthew Greinert greinertm@howrey.com
- 16 Matthew E. Hocker hockerm@howrey.com
- 17 Michael A. Weinstein weinsteinm@dicksteinshapiro.com
- 18 Teresa M. Corbin corbint@howrey.com
- 19 Thomas C. Mavrakakis tmavrakakis@mac.com

20 **Dated: October 2, 2008**

Richard W. Wieking, Clerk

21 **By: /s/ JW Chambers**

Elizabeth Garcia
Courtroom Deputy