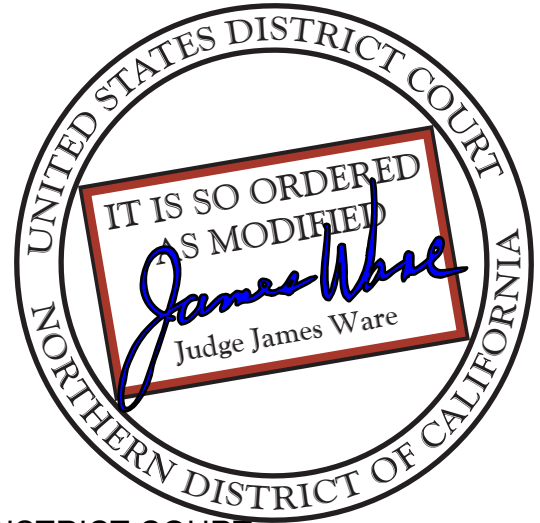


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 8 Special Master



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

11 APPLIED MATERIALS, INC.,

12 Plaintiff,

13 vs.

14 ADVANCED MICRO-FABRICATION
 15 EQUIPMENT, INC., et al.,

16 Defendants.
 17

No. C 07-05248 JW

DISCOVERY REPORT NO. 1

**ORDER ADOPTING, AS MODIFIED
 THE SPECIAL MASTER'S
 RECOMMENDATION RE:
 AMENDMENT TO THE SCHEDULING
 ORDER**

18 Over the last several months, the Special Master has worked with counsel in
 19 revising plaintiff's identification of trade secrets. In addition, the Special Master has ruled
 20 on a number of discovery disputes and worked with counsel in an attempt to establish a
 21 discovery plan.

22 Under the court's March 4, 2008, scheduling order, this matter is set for a
 23 preliminary pretrial conference on September 22, 2008, at 11:00 a.m. The Special Master
 24 believes that that date is unrealistic given the present state of discovery and discovery
 25 planning and recommends that the date be vacated and reset for **November 17, 2008**, a
 26 date provided by the court clerk, at **11:00 a.m.**
 27
 28

1 In ongoing conferences with counsel, the Special Master will see that a discovery
2 plan is established, including limitations on the number and duration of depositions, as well
3 as on a more general discovery plan.

4 Counsel for the parties have provided the Special Master with their suggestions for
5 discovery and pretrial conference dates. Having reviewed those suggestions and having in
6 mind the discovery which counsel have indicated they intend to conduct, the Special
7 Master recommends the following schedule, which he believes should apply to both the
8 case-in-chief and to the counter claims. The Special Master makes no recommendation, at
9 this time, regarding bifurcation or separate trial of the counter claims. These
10 recommended dates might require modification, at the preliminary pretrial conference, in
11 light of the progress made in discovery prior to that conference.

12	Initial expert reports	February 6, 2009
13	Motions to exclude experts	February 13, 2009
14	Rebuttal expert reports	February 20, 2009
15	Preliminary pretrial statements	February 27, 2009
16	Preliminary pretrial conference	March 9, 2009 at 11 a.m.
17		
18	Hearing on motions to exclude experts	Motions to Exclude Experts are treated as motions in limine. Accordingly, the deadline for filing these motions will be set in the Court's Preliminary Pretrial Order.
19	Close of all discovery is April 3, 2009	
20	Last date to hear dispositive motions	June 8, 2009 at 9 a.m.
21		

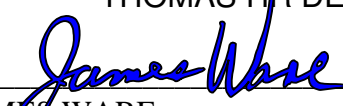
22 Based on the present state of discovery and counsel's indication of contemplated
23 further discovery, the Special Master believes these dates are realistic.

24
25

26 Dated: September 17, 2008.

27 **IT IS SO ORDERED**

28 Dated: September 17, 2008

/s/ Thomas HR Denver
THOMAS HR DENVER


JAMES WARE
United States District Judge