

E-Filed 6/17/10

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 UPEK, INC., a Delaware corporation,
12
13 Plaintiff,

14 v.

15 AUTHENTEC, INC., a Delaware corporation,
16 Defendant.

Case No. 10-424-JF (PVT)

SCHEDULING ORDER¹ RE CLAIM CONSTRUCTION

17 AUTHENTEC, INC., a Delaware corporation,
18 Counterclaimant,

19 v.

20 UPEK, INC., a Delaware Corporation,
21 Counterdefendant.

22
23 At a case management conference on May 28, 2010, the Court scheduled a claim
24 construction hearing for October 28, 2010. The parties have been unable to reach agreement on a
25 schedule leading up to the claim construction hearing. AuthenTec has submitted a proposed
26 schedule; UPEK has neither responded nor submitted an alternative proposal. Having considered
27

28 ¹This disposition is not designated for publication and may not be cited.

1 AuthenTec’s proposed schedule, and good cause therefor appearing, the Court will enter a
 2 scheduling order as set forth below. Discovery is to proceed with respect to claim construction
 3 issues only.

Event	Deadline
Initial Case Management Conference	Friday, May 28, 2010, 10:30 a.m.
Rule 26 Initial Disclosures	Friday, June 11, 2010
Deadline for modified Patent L.R. 3-1 and 3-2 disclosures	Tuesday, June 22, 2010 1. Identify which claims are asserted against which products; 2. Create one chart for one asserted independent claim against one product; 3. Identify the claimed priority and invention dates for the asserted patent; and 4. Produce the documents required by Patent L.R. 3-2 concurrently with the infringement disclosures
Deadline for modified Patent L.R. 3-3 and 3-4 disclosures	Tuesday, July 20, 2010 1. Identify which prior art the party asserts against which claims and the basis for the assertion; 2. Chart one dependent claim for each reference or combination thereof; and 3. Produce the documents required by Patent L.R. 3-4 concurrently with the invalidity disclosures
Exchange of proposed claim terms for construction pursuant to Patent L.R. 4-1	Tuesday, August 3, 2010
Exchange of preliminary claim construction and extrinsic evidence pursuant to Patent L.R. 4-2	Tuesday, August 10, 2010
Joint claim construction and prehearing statement pursuant to Patent L.R. 4-3	Tuesday, August 24, 2010
Close of claim construction discovery pursuant to Patent L.R. 4-4	Wednesday, September 8, 2010

1	Opening claim construction briefs pursuant to Patent L.R. 4-5(a)	Thursday, September 23, 2010
2		
3	Responsive claim construction briefs pursuant to Patent L.R. 4-5(b)	Thursday, October 7, 2010
4	Reply claim construction briefs pursuant to Patent L.R. 4-5(c)	Thursday, October 14, 2010
5	Case tutorial	October 28, 2010, 10:00 a.m.
6	Claim construction hearing pursuant to Patent L.R. 4-6	October 28, 2010, 10:00 a.m.
7		
8	Further case management conference	October 28, 2010, 10:00 a.m.

9 IT IS SO ORDERED.

10 DATED: 6/17/10

11 
 12 JEREMY FOGEL
 13 United States District Judge