

United States District Court  
For the Northern District of California

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION

4 BROCADE COMMUNICATIONS SYSTEMS, )  
5 INC., a Delaware corporation; and FOUNDRY )  
6 NETWORKS, LLC, a Delaware limited liability )  
7 company, )

8 Plaintiffs, )

9 v. )

10 A10 NETWORKS, INC., a California )  
11 corporation; LEE CHEN, an individual; )  
12 RAJKUMAR JALAN, an individual; RON )  
13 SZETO, an individual; LIANG HAN, an )  
14 individual; STEVEN HWANG, an individual; )  
15 and DAVID CHEUNG, an individual, )

16 Defendants. )

Case No.: 10-CV-03428-LHK

CASE MANAGEMENT ORDER

17 Clerk: Martha Parker Brown  
18 Reporter: Lee-Anne Shortridge  
19 Length of hearing:

Plaintiffs' Attorneys: Fabio Marino, Nitin Gambhir, Denise  
Mingrone, Annette Hurst, Alan Ruby  
Defendants' Attorneys: Scott Mosko, Robert Yoches, John F.  
Hornick, Joseph Ehrlich (for Liang Han), H. Ann Liroff (for  
David Cheung)

20 A case management conference was held on June 8, 2012. A pretrial conference is set for  
21 Wednesday, June 27, 2012, at 2:00 p.m.

22 At the case management conference, the Court ordered as follows:

23 By June 11, 2012, A10 shall produce a privilege log and custodian log for A10's new,  
24 untimely produced discovery. By June 15, 2012, the parties shall meet and confer and file a status  
25 report on the agreed upon cure for A10's new, untimely production.

26 The Court limited the number of potential trial exhibits to 175 per side (not including  
27 rebuttal or impeachment exhibits). If any party seeks to introduce an exhibit not on the list of  
28 potential exhibits, that party must make a showing of good cause why the exhibit was not on the  
exhibit list. The parties must provide notice of any exhibits for a testifying witness 48 hours before  
the witness testifies. Any objections to a testifying witness's exhibits must be filed 24 hours before  
the witness testifies. The parties must provide notice of any exhibits for impeachment 24 hours in  
advance.

Brocade limited its case as follows: four patent claims; one copyright claim related to the  
ServerIron code under literal and intermediate theories of infringement; and five trade secret claims  
(one each from GSLB, HA, software, hardware, and trade secret 20). Brocade shall identify its  
claims (including the specific information related to trade secret 20) by 5:00 p.m. on June 11, 2012.  
By 9:00 p.m. on June 11, 2012, Brocade shall file with the Court, under seal, the specific  
information related to trade secret 20.

The initial exchange of exhibits and witness lists is due at 5:00 p.m. on June 15, 2012.

The parties shall file motions in limine and *Daubert* motions by June 15, 2012. Each side is  
limited 30 pages each for a maximum total of nine motions in limine or *Daubert* motions.

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By June 15, 2012, the parties shall file a joint pretrial statement limited to 35 pages.

There will be nine jurors. Each side is limited to five peremptory challenges and ten minutes of voir dire.

The parties shall prepare trial notebooks for the jurors including: (1) the patents, including a chart with the claim language in one column with any construed terms in bold and another column with the Court's construction; (2) any agreed upon glossary; (3) a tab for preliminary jury instructions; (4) a tab for final jury instructions; (5) a tab for color witness photos, in which the witnesses shall appear as they will appear during their testimony at trial; and (6) white lined paper for notes.

By July 2, 2012, the parties shall exchange deposition designations, including video. The parties shall exchange objections to deposition designations on July 5, 2012. The parties shall meet and confer on the objections on July 6, 2012, and file with the Court any unresolved objections by July 9, 2012.

The party shall file with the Court any agreements they have reached with regard to their demonstratives.

Each side is limited to 23 hours for opening argument and any direct, redirect, cross, and recross examination. Any time spent on reading a deposition transcript or showing a deposition video counts toward the 23 hours. Additionally, each side will have one hour and a half for closing argument.

Trial will take place on July 16, 17, 20, 23, 24, 27, 30, and 31, 2012. Trial will go from 9:00 a.m. to noon, and 1:00 p.m. to 4:30 p.m., with breaks at approximately 10:30 a.m. and 3:00 p.m.

**IT IS SO ORDERED.**

Dated: June 11, 2012



LUCY H. KOH

United States District Judge