

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DYNETIX DESIGN SOLUTIONS INC., a California corporation,)	Case No.: C 11-5973 PSG
)	ORDER RE: TRIAL PROCEDURES
Plaintiff/Counter-defendant,)	
v.)	
SYNOPSIS INC., a Delaware corporation,)	
Defendants/Counter-claimant.)	

In light of the impending trial date in this case, the court provides the following guidance on trial procedures:

- Voir Dire.** Voir dire will take place on September 3, 2013 at 9:30 AM. After the court completes its own questions, each side may question potential jurors for up to 30 minutes. Nine jurors will be seated, with no alternates. Each party is allotted three peremptory challenges.
- Trial Schedule.** Opening statements may begin as earlier as the afternoon of September 3, 2013. Counsel shall be present every day at 8:30 AM to address pretrial matters, including

1 any objections to demonstratives or exhibits. Trial will run from 9:30 AM to 4:30 PM,
2 unless otherwise noted. On September 9 and 10, 2013, no proceedings will take place.


- 3 **3. Time Limits for Trial.** The parties may present up to one hour per side for opening
4 statements and the same for closing arguments. The parties are limited to 15 hours each for
5 direct examination, cross examination, and rebuttal.
- 6 **4. Disclosure of Witnesses.** No later than 48 hours before calling a witness, the party calling
7 the witness shall identify the witness and provide the opposing party a binder disclosing all
8 exhibits that may be used in questioning the witness.
- 9 **5. Disclosure of Demonstratives.** In denying Dynetix's motion to compel on this subject, the
10 court provided some deadlines, but upon further reflection by the court, the parties should
11 instead adhere to the following: opening statement demonstratives shall be exchanged no
12 later than 5:00 PM on September 2, 2013. All other demonstratives shall be exchanged no
13 later than 7:00 PM on the day before their use.
- 14 **6. Jury Instructions.** The court will preliminarily instruct the jury prior to opening
15 statements. The court will prepare the preliminary instructions and disclose them to the
16 parties in sufficient time to permit any objections. The issue of final jury instructions, as
17 well as the verdict form, will be addressed at the charging conference, which will be set
18 during trial.
- 19 **7. Party Representatives.** Each party shall be allowed to have one party representative at
20 trial who is allowed to hear the entire proceeding, regardless of the confidentiality
21 designations of the information presented.
- 22 **8. Source Code.** The parties shall bring the laptop computers containing their respective
23 source code to the courtroom and make them available to the other side for witness
24 examinations. For the source code documents marked as trial exhibits, electronic versions
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(i.e., PDF files) will be allowed, notwithstanding the Protective Order, to be projected onto
the screen.

IT IS SO ORDERED.

Dated: August 23, 2013



PAUL S. GREWAL
United States Magistrate Judge