

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

APPLE, INC., a California corporation,)	Case No.: 12-CV-00630-LHK
)	
Plaintiff and Counterdefendant,)	CASE MANAGEMENT ORDER
)	
v.)	
)	
SAMSUNG ELECTRONICS CO., LTD., a)	
Korean corporation; SAMSUNG)	
ELECTRONICS AMERICA, INC., a New York)	
corporation; and SAMSUNG)	
TELECOMMUNICATIONS AMERICA, LLC,)	
a Delaware limited liability company,)	
)	
Defendants and Counterclaimants.)	
)	

Clerk: Martha Parker Brown	Plaintiff's Attorneys: Mark Lyon, Mark Selwyn, Rachel
Reporter: Lee-Anne Shortridge	Krevans, Harold McElhinny
	Defendants' Attorneys: Kevin Johnson, Victoria Maroulis,
	Sean Pak, Scott Watson, John Quinn

A case management conference and a hearing on the parties' motions to strike expert witness testimony were held on January 23, 2014, at 1:30 p.m. A further case management conference is set for February 20, 2013, at 1:30 p.m.

The Court ordered as follows:

- By Monday, January 27, 2014, the parties shall file Dr. Hauser's report with a motion to seal.
- By Friday, January 24, 2014, the parties shall lodge an electronic version of Dr. Hauser's survey.

- By 10 a.m. on Monday, January 27, 2014, the parties shall file a joint submission related to Dr. Snoeren's deposition testimony regarding Dr. Hauser's survey's descriptions of the '414 patent.

VERDICT FORM: The parties shall file a joint proposed verdict form by February 25, 2014.

JURY INSTRUCTIONS: The parties shall file joint proposed preliminary jury instructions by February 18, 2014. The parties shall file joint proposed final jury instructions by February 25, 2014. The Court will adopt the preliminary and final jury instructions from the first trial in Case No. 11-CV-01846 absent a compelling reason to depart.

JURORS: The Court will empanel 10 jurors. Each side may exercise up to 4 peremptory challenges. The parties shall file by March 28, 2014, at 10 a.m. a joint list of witnesses, deponents, attorneys, law firms, and trial dates and times to be used during jury selection. The parties shall bring seventy-five copies of this list on March 31, 2014.

VOIR DIRE: The Court will conduct voir dire. The Court will allow 20 minutes of attorney voir dire by each side. The parties shall file proposed jury voir dire questions by February 25, 2014.

TIME LIMITS AT TRIAL: The parties shall have 1.5 hours each for opening statements. The parties shall have 2 hours each for closing arguments. The parties will be allowed to present 25 hours of evidence per side.

MOTIONS IN LIMINE: The parties are limited to 7 motions in limine each. Each side will be limited to thirty pages of briefing on its motions in limine, which are to be filed by February 18, 2014. Each side will be limited to thirty pages of briefing on their oppositions, which are to be filed by February 25, 2014. No replies will be entertained.

WITNESSES: The parties are required to exchange and file witness lists by February 13, 2014 at noon. Each side must limit the number of live witnesses on its list to 50.

DEPOSITION DESIGNATIONS: The parties shall file deposition designations by March 3, 2014. The parties shall file objections and counter-designations by March 10, 2014. Each side shall limit the number of deposition designations to 45 witnesses and no more than 25 hours of deposition. Depositions conducted after the close of discovery without the authorization of Magistrate Judge Grewal or stipulation of the parties are not admissible.

EXHIBITS: The parties shall stipulate to a joint exhibit list of no more than 100 exhibits. Both parties must agree on the exhibits' admissibility for the exhibit to be added to the joint exhibit list. Each side may also have individual exhibit lists of no more than 200 exhibits each. The parties shall exchange and file their exhibit lists by February 13, 2014 at noon.

PROCEDURE FOR OBJECTIONS DURING TRIAL: The parties shall file objections and responses to witnesses, exhibits, or demonstratives no later than 8 a.m. two days before the witness is to testify or the demonstrative or exhibit will be used. The parties may object to three exhibits per witness, and may raise two objections per exhibit. The parties may raise three objections to the deposition testimony of a witness. The parties will be limited to five pages for objections and responses. Any other objections shall be made during trial.

FINAL PRETRIAL CONFERENCE: The topics to be covered at the conference on March 5, 2014 will be the parties' motions in limine, the verdict form, and the preliminary jury instructions.

JOINT PRETRIAL STATEMENT: The parties shall file a Joint Pretrial Statement by February 25, 2014. No trial briefs are required.

1 JURY BOOKS: The parties are ordered to prepare joint stipulated jury books and to bring 14
2 copies (ten for the jurors and four for the Court) on Friday, March 28, 2014. These jury books are
3 to include:

- 4 (1) Lists of witnesses, attorneys, and trial dates and times
- 5 (2) Sample patent to accompany the FJC video
- 6 (3) Preliminary Jury Instructions
- 7 (4) Two-columned chart of the asserted claims -- The left column shall contain the asserted
8 claims with the construed terms highlighted. The right column shall contain the Court's
9 claim construction of the highlighted terms.
- 10 (5) Glossary
- 11 (6) All asserted patents
- 12 (7) Tab for witness photos. The parties shall take a photo of each witness outside the
13 Courtroom immediately before the witness testifies and shall provide the Courtroom
14 Deputy 14 three-hole punched 8 1/2 x 11 copies of each photo. The Courtroom
15 Deputy will distribute the photos. The witness must appear the same in the photo as he/she
16 will appear on the witness stand (e.g., same clothing, hairstyle, eyewear).
- 17 (8) Tab for Final Jury Instructions
- 18 (9) Blank lined paper

19 The parties must stipulate to everything in the Jury Notebooks. If no agreement can be
20 reached, the item or information is not permitted in the Jury Notebooks.

21 TRIAL SCHEDULE AND LOCATION: The trial schedule will be 9:00 a.m. to 4:30 p.m., with a
22 lunch break from 12:00 p.m. to 1:00 p.m., on Monday, Tuesday, and Friday. The trial will take
23 place in Courtroom One on the fifth floor of the San Jose Courthouse.

24 OPENING STATEMENT OBJECTIONS: The parties shall file their objections and responses to
25 opening statement demonstratives by Thursday, March 27, 2014 at noon. The parties shall provide
26 a joint proposal at the March 5, 2014 Pretrial Conference regarding the maximum number of slides
27 to be exchanged for opening and closing statements.

28 SETTLEMENT: The parties will pay for juror fees, mileage, parking if the parties settle after 3
p.m. on March 28, 2014.

The Case Schedule remains set as follows:

Scheduled Event	Date
Final Pretrial Conference	March 5, 2014, at 2:00 p.m.
Jury Trial	March 31, 2014, at 9:00 a.m.
Length of Trial	12 days

IT IS SO ORDERED.

Dated: January 24, 2014


LUCY H. KOH
United States District Judge