

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

GPNE CORP.,)	Case No.: 12-CV-02885-LHK
)	
Plaintiff,)	CASE MANAGEMENT ORDER
)	
v.)	
)	
APPLE, INC.,)	
)	
Defendant.)	
)	
)	

Clerk: Martha Parker Brown
Reporter: Lee-Anne Shortridge

Plaintiff's Attorneys: Howard Susser, Barry Bumgardner,
Patricia Peden
Defendant's Attorneys: Katherine Lutton, Christopher Green,
Benjamin Elacqua, Matthew
Hawkinson, Aamir Kazi, Joseph
Mueller

On April 3, 2014, the Court held a case management conference and a hearing on Apple's Motion for Summary Judgment of Noninfringement and Invalidity, Apple's Motions to Exclude the Testimony of Dr. Dinan and Mr. Dansky, Apple's Motions to Strike Dr. Dinan's Expert Report and Infringement Contentions, and GPNE's Motion to Exclude the Testimony of Mr. Meyer.

The Court issued the following tentative rulings on the parties' motions:

- Apple's Motion for Summary Judgment of Noninfringement: DENIED as to GPRS, under submission as to LTE.
- Apple's Motion for Summary Judgment of Invalidity: GRANTED as to claims 13, 18, 30, 31, and 39. DENIED as to claim 42.
- Apple's Motion to Exclude the Testimony of Dr. Dinan: DENIED.
- Apple's Motion to Exclude the Testimony of Mr. Dansky: GRANTED.
- Apple's Motion to Strike Dr. Dinan's Expert Report: DENIED.

- Apple’s Motion to Strike Infringement Contentions: DENIED.
- GPNE’s Motion to Exclude the Testimony of Mr. Meyer: DENIED.

As to the LTE infringement issue, on Monday, April 7, 2014, the parties shall file a two page supplemental summary judgment brief identifying (1) which Apple products GPNE accuses of infringement based only on the products’ practicing of the GPRS standard, (2) which Apple products GPNE accuses of infringement based only on the products’ practicing of the LTE standard, and (3) which Apple products GPNE accuses of infringement based on the products’ practicing of both the GPRS and LTE standards. In other words, if the Court were to grant summary judgment of noninfringement as to LTE, as to which accused products, if any, would the Court be granting summary judgment?

The Court set the following case deadlines. The parties may deviate from the expert discovery deadlines only by stipulation.

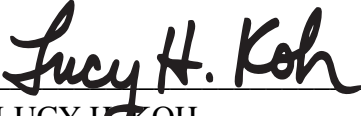
Scheduled Event	Date
GPNE’s Damages Expert Report	April 17, 2014
Apple Supplemental Damages Expert Report	May 1, 2014
Close of Expert Discovery: New Expert Depositions	May 15, 2014
Motions in Limine/Additional <i>Daubert</i> , if any	May 29, 2014
Oppositions to Motions in Limine/ <i>Daubert</i> , if any	June 5, 2014
Final Pretrial Conference/ <i>Daubert</i> Hearing, if any	June 26, 2014 at 1:30 p.m.
Jury Trial	July 14, 2014 at 9am
Length of Trial	7 days

Each side may file a total of five motions in limine. Each’s side’s motions in limine may not exceed a total of 15 pages; oppositions may not exceed a total of 15 pages. No replies are permitted.

Based on the revised damages expert reports, each side may file one *Daubert* motion that may not exceed three pages. Oppositions to these *Daubert* motions may not exceed three pages. No replies are permitted.

IT IS SO ORDERED.

Dated: April 3, 2014


 LUCY H. KOH
 United States District Judge