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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

FINISAR CORPORATION,
Plaintiff,
v.
NISTICA, INC.,
Defendant.

Case No. [13-cv-03345-BLF](#)

**ORDER REGARDING TRIAL
SCHEDULE**

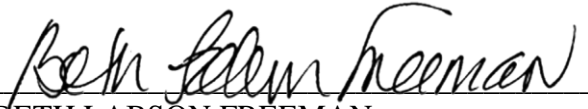
IT IS HEREBY ORDERED that trial in this matter shall proceed as follows: Jury selection shall commence on April 29, 2016 at 2:00 p.m. Questionnaires will be completed by the jury on that date. Thereafter, commencing on May 2, 2016 at 9:00 a.m., counsel for the parties may conduct oral voir dire of the entire jury panel, limited to 30 minutes for each side. Counsel shall be prepared to present opening statements immediately after the jury is sworn and Plaintiff shall call its witnesses beginning on May 2, 2016.

For the first two phases of the trial (infringement, damages, and willfulness) the Court will allow up to 18 hours per side. Direct and cross-examination time will be tallied by the Court. During the first phase, the parties shall each have 1 hour for openings and 1 hour and 30 minutes for closings. If necessary, phase two will commence immediately after the phase 1 verdict is announced. During the second phase, the parties shall each have 30 minutes for opening and 1 hour for closings. During the first two phases of trial, openings and closings shall not be counted as part of the 18 hour allocation of time. For the bench trial on equitable issues, the parties shall have up to 3 hours per side, inclusive of openings and closings. The Court anticipates the bench

1 trial will commence on May 16, 2016. Finisar shall file its trial brief regarding the bench trial by
2 May 10, 2016 and Nistica shall file its trial brief by May 12, 2016.

3 **IT IS SO ORDERED.**

4 Dated: April 27, 2016

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6 BETH LABSON FREEMAN
7 United States District Judge

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