

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GOOGLE INC., No. C 13-05933 CW  
Plaintiff, MINUTE ORDER AND  
v. CASE MANAGEMENT  
ROCKSTAR CONSORTIUM US LP, et al., Time: 10 Minutes  
Defendants.

Clerk: Nikki D. Riley Reporter: Diane Skillman  
Plaintiff Attorney: Charles Verhoeven; Matt Warren  
Defendant Attorney: David Sochia; Theodore Stevenson III

A case management conference was held on: 6/26/2014. The Case Management Statement and Proposed Order filed by the parties is hereby adopted by the Court as the Case Management Order for the case, except as may be noted below. The Court's standard Order for Pretrial Preparation, distributed at the conference, also applies. **The Court orders a joint mediation that includes this case and the Texas case. Infringement contentions due 7/24/2014; Invalidity contentions due 8/25/2014; Proposed terms due 9/8/2014; and Preliminary claim construction due: 9/29/2014.**

The case is hereby referred to the following ADR process:  
Non-binding Arbitration: ( ) Early Neutral Evaluation: ( )  
Court-connected mediation: ( ) Private mediation: ( X )  
Magistrate Judge settlement conference: ( )  
ADR session to be held by: (9/24/14)  
(or as soon thereafter as is convenient to the mediator's schedule)  
Deadline to add additional parties or claims: (8/25/14)  
Date of next case management conference: (4/30/15)  
Completion of Fact Discovery: (1/23/15)  
Disclosure of initial expert reports: (1/29/15)  
Rebuttal Expert Reports: [2/19/15]  
Completion of Expert Discovery: (3/6/15)  
Further case management conference, claim construction, and all case-dispositive motions, to be heard at 2:00 P.M. on or before: (4/30/15)  
Final Pretrial Conference at 2:00 P.M. on: (9/2/15)  
A 10 day Jury Trial will begin at 8:30 A.M. on: (9/14/15)


1 **Discovery disputes** will be referred to a Magistrate Judge. After the  
2 parties have met and conferred, the parties shall prepare a joint  
3 letter of not more than 8 pages explaining the dispute. Up to 12  
4 pages of attachments may be added. The joint letter must be  
5 electronically filed under the Civil Events category of "Motions and  
6 Related Filings >Motions-- General > Discovery Letter Brief." The  
7 Magistrate Judge to whom the matter is assigned will advise the  
8 parties of how that Judge intends to proceed. The Magistrate Judge  
9 may issue a ruling, order more formal briefing, or set a telephone  
10 conference or a hearing. After a Magistrate Judge has been assigned,  
11 all further discovery matters shall be filed pursuant to that Judge's  
12 procedures.

13 **Motions for Summary Judgment:** Absent permission from the Court, all  
14 case-dispositive motions in a case will be briefed and heard together,  
15 on the case-dispositive motion hearing cut-off date, or on an earlier  
16 available date agreed to by the parties. Multiple parties should file  
17 joint briefs if possible. If Plaintiffs wish to file a motion for  
18 summary judgment, they shall do so 6 weeks before the cut-off date.  
19 If Defendants wish to file a cross-motion as well as an opposition to  
20 the motion, any cross-motion shall be contained within the opposition  
21 to the motion, which may contain up to 25 pages in total, and shall  
22 be filed 14 days after the filing of the motion. The reply to the  
23 motion shall include the opposition to any cross-motion, may contain  
24 up to 15 pages in total, and shall be filed 7 days after the filing  
25 of the opposition. A reply to any cross-motion may contain up to 15  
26 pages, and shall be filed 7 days after the filing of the opposition.  
27 If Plaintiffs do not file a motion for summary judgment, Defendants  
28 may file one 5 weeks before the case-dispositive motion hearing cut-  
off date and the schedule in Local Rule 7-3 shall apply. Courtesy  
copies of multi-page exhibits for chambers should be clearly marked  
with tabbed dividers.

29 **Civil motion calendar** is conducted on Thursdays at 2:00 p.m. Parties  
30 need not reserve a hearing date for civil motions; however, parties  
31 must check the legal newspapers or the Court's website at  
32 [www.cand.uscourts.gov](http://www.cand.uscourts.gov) for unavailable dates.

33 **A Further Case Management Conference** will be held on the case-  
34 dispositive motion hearing cut-off date, whether or not dispositive  
35 motions are filed.

36 Dated: 6/26/2014



CLAUDIA WILKEN

United States District Judge

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38 Copies to Chambers

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ORDER FOR PRETRIAL PREPARATION

PRETRIAL CONFERENCE

1. Not less than 28 days prior to the pretrial conference, counsel shall **exchange** (but not file or lodge) the papers described in Civil L.R. 16-10(b)(7),(8),(9), and (10), and their motions in limine.

2. At least 21 days before the final pretrial conference, lead counsel who will try the case shall meet and confer with respect to:

(a) Preparation and content of the joint pretrial conference statement;

(b) Resolution of any differences between the parties regarding the preparation and content of the joint pretrial conference statement and the preparation and exchange of pretrial materials to be served and lodged pursuant to this Order for Pretrial Preparation. To the extent such differences are not resolved, the parties will present the issues in the pretrial conference statement so that the judge may rule on the matter during the pretrial conference; and

(c) Settlement of the action.

3. Not less than 14 days prior to the pretrial conference, counsel shall submit the following.

(a) Pretrial Conference Statement. The parties shall file a joint pretrial conference statement containing the following information:

(1) The Action.

(A) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.

(B) Relief Prayed. A detailed statement of all the relief claimed, particularly itemizing all elements of damages claimed.

(2) The Factual Basis of the Action.

1 (A) Undisputed Facts. A plain and concise statement  
2 of all relevant facts not reasonably disputed.

3 (B) Disputed Factual Issues. A plain and concise  
4 statement of all disputed factual issues which remain to  
5 be decided.

6 (C) Agreed Statement. A statement assessing whether  
7 all or part of the action may be presented upon an agreed  
8 statement of facts.

9 (D) Stipulations. A statement of stipulations  
10 requested or proposed for pretrial or trial purposes.

11 (3) Disputed Legal Issues. Without extended legal  
12 argument, a concise statement of each disputed point of  
13 law concerning liability or relief.

14 (4) Further Discovery or Motions. A statement of  
15 all remaining discovery or motions.

16 (5) Trial Alternatives and Options.

17 (A) Settlement Discussions. A statement summarizing  
18 the status of settlement negotiations and indicating  
19 whether further negotiations are likely to be productive.

20 (B) Consent to Trial Before a Magistrate Judge. A  
21 statement whether the parties consent to a court or jury  
22 trial before a magistrate judge, with appeal directly to  
23 the Ninth Circuit.

24 (C) Bifurcation, Separate Trial of Issues. A  
25 statement of whether bifurcation or a separate trial of  
26 specific issues is feasible and desired.

27 (6) Miscellaneous. Any other subjects relevant to  
28 the trial of the action, or material to its just, speedy  
and inexpensive determination.

(b) Exhibit List and Objections. The exhibit list  
shall list each proposed exhibit by its number (see Civil L.R.  
30-2(b)), description, and sponsoring witness, followed by  
blanks to accommodate the date on which it is marked for  
identification and the date on which it is admitted into

1 evidence. **No party shall be permitted to offer any exhibit in**  
2 **its case-in-chief that is not disclosed in its exhibit list**  
3 **without leave of the Court for good cause shown.** Parties shall  
4 also deliver a set of premarked exhibits to the Courtroom  
5 Deputy. The exhibit markers shall each contain the name and  
6 number of the case, the number of the exhibit, and blanks to  
7 accommodate the date admitted and the Deputy Clerk's initials.  
8 (Appropriate sample forms are available on the Court's website  
9 at [www.cand.uscourts.gov](http://www.cand.uscourts.gov)). Any objections to exhibits which  
10 remain after the pretrial meeting shall be indicated in the  
11 pretrial statement.

12 (c) Witness List. In addition to the requirements  
13 of FR CivP 26(a)(3)(A), a brief statement describing the  
14 substance of the testimony to be given by each witness who may  
15 be called at trial. **No party shall be permitted to call any**  
16 **witness in its case-in-chief who is not disclosed in its**  
17 **pretrial statement without leave of Court for good cause shown.**

18 (d) Use of Discovery Responses. In addition to the  
19 requirements of FR CivP 26(a)(3)(B), a designation of any  
20 excerpts from interrogatory answers or from responses for  
21 admissions intended to be offered at trial. Counsel shall  
22 indicate any objections to use of these materials and that  
23 counsel have conferred respecting such objections.

24 (e) Trial briefs. Briefs on all significant disputed  
25 issues of law, including foreseeable procedural and evidentiary  
26 issues, which remain after the pretrial meeting.

27 (f) Motions in Limine. Any motions in limine that  
28 could not be settled at the pretrial meeting shall be filed with

1 the pretrial statement. All motions in limine shall be  
2 contained within one document, limited to 25 pages pursuant to  
3 Civil L.R. 7-2(b), with each motion listed as a subheading.  
4 Opposition to the motions in limine shall be contained within  
5 one document, limited to 25 pages, with corresponding  
6 subheadings, and filed seven (7) days thereafter.

7 (g) Joint Proposed Voir Dire. The attached voir dire  
8 questionnaire will be given to the venire members, and copies  
9 of the responses will be made available to counsel at the  
10 beginning of voir dire. Counsel may submit a set of additional  
11 requested voir dire, to be included in the questionnaire or  
12 posed by the Court, to which they have agreed at the pretrial  
13 meeting. Any voir dire questions on which counsel cannot agree  
14 shall be submitted separately. Counsel may be allowed brief  
15 follow-up voir dire after the Court's questioning.

16 (h) Joint Proposed Jury Instructions. As applicable,  
17 jury instructions §1.1A, §1.1C, §1.2 through §1.17, §1.19, §2.1  
18 through §2.13, §3.1 through §3.3 from the Manual of Model Civil  
19 Jury Instructions for the Ninth Circuit (most recent edition)  
20 will be given absent objection. Counsel shall jointly submit  
21 one set of additional proposed jury instructions, to which they  
22 have agreed at the pretrial meeting. The instructions shall be  
23 ordered in a logical sequence, together with a table of  
24 contents. Any instruction on which counsel cannot agree shall  
25 be marked as "disputed," and shall be included within the  
26 jointly submitted instructions and accompanying table of  
27 contents, in the place where the party proposing the instruction  
28 believes it should be given. Argument and authority for and

1 against each disputed instruction shall be included as part of  
2 the joint submission, on separate pages directly following the  
3 disputed instruction.

4 The parties shall email to cwpo@cand.uscourts.gov a copy  
5 of their proposed jury instructions in WordPerfect or Word  
6 format. The subject of the email should include the name of the  
7 parties, the case number and a description of the document.

8 (i) Proposed Verdict Forms, Joint or Separate.

9 (j) Proposed Findings of Fact and Conclusions of Law  
10 (Court Trial only). The Court requests that the parties  
11 hyperlink each proposed Finding of Fact to any supporting  
12 evidence. The parties shall email to cwpo@cand.uscourts.gov a  
13 copy of their proposed findings of fact and conclusions of law  
14 in WordPerfect or Word format. The subject of the email should  
15 include the name of the parties, the case number and a  
16 description of the document.

17 JURY SELECTION

18  
19 The Jury Commissioner will summon 20 to 25 prospective  
20 jurors. The Courtroom Deputy will select their names at random  
21 and seat them in the courtroom in the order in which their names  
22 are called. Copies of their questionnaires will be provided to  
23 counsel.

24  
25 Voir dire will be asked of sufficient venire persons so  
26 that eight (or more for a lengthy trial) will remain after all  
27 peremptory challenges and an anticipated number of hardship  
28 dismissals and cause challenges have been made.

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The Court will then take cause challenges, and discuss hardship claims from the individual jurors, outside the presence of the venire. The Court will inform the attorneys which hardship claims and cause challenges will be granted, but will not announce those dismissals until the process is completed. Each side may then list in writing up to three peremptory challenges. The attorneys will review each other's lists and then submit them to the Courtroom Deputy.

Then, from the list of jurors in numerical order, the Court will strike the persons with meritorious hardships, those excused for cause, and those challenged peremptorily, and call the first eight people in numerical sequence remaining. Those people will be the jury.

All jurors remaining at the close of the case will deliberate. There are no alternates.

SANCTIONS

Failure to comply with this Order is cause for sanctions under Federal Rule of Civil Procedure 16(f).

IT IS SO ORDERED.

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE



JUROR QUESTIONNAIRE

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Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: \_\_\_\_\_

2. Your age: \_\_\_\_\_

3 The city where you live: \_\_\_\_\_

How long have you lived there: \_\_\_\_\_

4. Your place of birth: \_\_\_\_\_

5. Do you rent or own your own home? \_\_\_\_\_

6. Your marital status: (circle one)

single married live with partner separated divorced widowed

7. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

\_\_\_\_\_  
\_\_\_\_\_

8. Who is (or was) your employer?

\_\_\_\_\_

9. How long have you worked for this employer? \_\_\_\_\_

10. Please list the occupations of any adults with whom you live.

\_\_\_\_\_

11. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

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12. Please describe your educational background:

Highest grade completed: \_\_\_\_\_

College and/or vocational schools you have attended:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Major areas of study: \_\_\_\_\_

13. Have you ever served on a jury before? \_\_\_\_\_ How many times? \_\_\_\_\_

If yes: State/County Court \_\_\_\_\_ Federal Court \_\_\_\_\_

When? \_\_\_\_\_

Was it a civil or criminal case? \_\_\_\_\_

Did the jury(ies) reach a verdict? \_\_\_\_\_

14. Attached is a list of the parties in this case, the law firms representing the parties, attorneys in this case, and persons who are potential witnesses in this case. Do you know, or think you know, any of the persons listed?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If so, make a check next to their name.