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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SAMESURF, INC.,

Plaintiff,

v.

INTUIT, INC.,

Defendant.

Case No.: 22-cv-412-RSH-DDL

**SECOND CASE MANAGEMENT
ORDER REGULATING
DISCOVERY AND OTHER
PRETRIAL PROCEEDINGS IN A
PATENT CASE**

The Court held a Status Conference in this matter on October 23, 2024. For the reasons discussed on the record, and good cause appearing, the Court enters the following Case Management Order.

1. On or before **December 5, 2024**, each party opposing a claim of infringement shall serve Invalidity Contentions pursuant to Patent LR 3.3 and produce documents as required by Patent LR 3.4.

2. On or before **December 19, 2024**, the parties shall exchange Preliminary Claim Constructions pursuant to Patent LR 4.1(a) and identify extrinsic evidence as required by Patent LR 4.1(b).

3. On or before **January 6, 2025**, the parties shall exchange Responsive Claim Constructions pursuant to Patent LR 4.1(c) and identify extrinsic evidence as required by Patent LR 4.1(d).

1 4. Counsel for the parties shall appear for a Status Conference before the
2 **Honorable David D. Leshner** on **January 15, 2025** at **10:00 a.m.** by Zoom. Instructions
3 for appearances will follow by separate order.

4 5. On or before **January 20, 2025**, parties shall complete and file a Joint Claim
5 Construction Chart, Joint Claim Construction Worksheet, and Joint Hearing Statement
6 pursuant to Patent LR 4.2.

7 6. The deadline for filing, as of right, Amended Infringement Contentions by a
8 party claiming infringement is **January 20, 2025**. *See* Patent LR 3.6(a).

9 7. All discovery intended for use in the Claim Construction Hearing must be
10 completed by **February 10, 2025**. *See* Patent LR 4.3.

11 8. The deadline for filing, as of right, Amended Invalidity Contentions by the
12 party opposing infringement is **February 10, 2025**. *See* Patent LR 3.6(b)

13 9. On or before **February 24, 2025**, the parties must file simultaneously their
14 Opening Claim Construction Briefs. *See* Patent LR 4.4(a).

15 10. On or before **March 10, 2025**, the parties must file simultaneously their
16 Responsive Claim Construction Briefs. *See* Patent LR 4.4(b).

17 11. The Claim Construction and tutorial hearing will be held **April 17, 2025**, at
18 **1:30 p.m.** before the **Honorable Robert S. Huie**. *See* Patent LR 4.5.

19 12. Not later than thirty (30) days after the filing of the Claim Construction Order,
20 any party relying upon advice of counsel as part of a patent-related claim or defense for
21 any reason must make the disclosures required by Patent LR 3.7

22 13. A party asserting infringement must serve final amended infringement
23 contentions, within the meaning of Patent LR 3.6(a)(1), not later than thirty (30) days after
24 service of the Court's Claim Construction Ruling.

25 14. A party opposing a claim of infringement must serve final amended invalidity
26 contentions, within the meaning of Patent LR 3.6(b)(2), not later than fifty (50) days after
27 service of the Court's Claim Construction ruling.

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1 15. All written discovery requests shall be served by all parties by **May 9, 2025**.
2 Pursuant to the Court’s June 5, 2023 Order [Dkt. No. 47], Plaintiff must seek leave to serve
3 additional interrogatories.

4 16. The initial date for the substantial completion of document discovery
5 including electronically stored information (“ESI”) is **June 6, 2025**. See Patent LR
6 2.1(a)(1).

7 17. All fact discovery shall be completed by all parties on or before **July 18, 2025**.
8 All disputes concerning discovery shall be brought the attention of the Magistrate Judge in
9 accordance with the procedures and time frames set forth in the Magistrate Judge’s
10 Chambers Rules. Counsel are required to meet and confer regarding all discovery disputes
11 pursuant to the requirements of Civil Local Rule (“CivLR”) 26.1(a).

12 18. A Mandatory Settlement Conference shall be conducted on **July 31, 2025**, at
13 **2:00 p.m.** before the **Honorable David D. Leshner**. The parties must comply with Judge
14 Leshner’s Mandatory Settlement Conference Procedures, which are available on the
15 Court’s website.

16 19. All expert disclosures required by Federal Rule of Civil Procedure 26(a)(2)
17 shall be served on all parties on or before **August 15, 2025**. Any contradictory or rebuttal
18 disclosures within the meaning of Federal Rule of Civil Procedure 26(a)(2)(D)(ii) shall be
19 disclosed on or before **September 15, 2025**. Unless otherwise stipulated by the parties,
20 the required expert disclosures shall include an expert report as required by Federal Rule
21 of Civil Procedure 26(a)(2)(B). If a written report is not required, the disclosure must
22 provide the information required under Federal Rule of Civil Procedure 26(a)(2)(c).

23 20. All expert discovery shall be completed by all parties on or before **October**
24 **17, 2025**. The provisions stated in paragraph 17 above apply equally to expert discovery
25 and any disputes regarding the same.

26 21. All other dispositive motions, including those addressing *Daubert* issues, shall
27 be FILED on or before **November 3, 2025**. Please be advised that counsel for the moving
28 party must obtain a motion hearing date from the law clerk of the judge who will hear the

1 motion. Failure of counsel to timely request a motion date may result in the motion not
2 being heard. Motions in Limine are to be filed as directed in the Local Rules, or as
3 otherwise set by the **Honorable Robert S. Huie**.

4 22. Briefs or memoranda in support of or in opposition to any pending motion
5 shall not exceed twenty-five (25) pages in length without permission of the judge or
6 magistrate judge who will hear the motion. No reply memorandum shall exceed ten (10)
7 pages without leave of the judge or magistrate judge who will hear the motion.

8 23. In order to identify the claims to be tried and eliminate delay and surprise at
9 trial, the Court enters the following pretrial order pursuant to Federal Rule of Civil
10 Procedure 16.

11 24. The parties' Memoranda of Law and Contentions of Fact Parties pursuant to
12 CivLR 16.1(f)(2)(a) must be filed on or before **February 12, 2026**.

13 25. All parties or their counsel shall fully comply with the Pretrial Disclosure
14 requirements of Federal Rule of Civil Procedure 26(a)(3) on or before **February 19, 2026**.
15 Failure to comply with these disclosures requirements could result in evidence preclusion
16 or other sanctions under Federal Rule of Civil Procedure 37.

17 26. Pursuant to CivLR 16.1(f)(4), on or before **February 26, 2026**, the parties
18 shall meet and confer to comply with the provisions of that section and prepare a proposed
19 pretrial order in accordance with CivLR Rule 16.1(f)(6)(c), and containing the following:

20 a. A joint neutral statement to be read to the jury, not in excess of one
21 page, of the nature of the case and the claims and defenses.

22 b. A list of the causes of action to be tried, referenced to the Complaint
23 [and Counterclaim if applicable]. For each cause of action, the order shall succinctly list
24 the elements of the claim, damages and any defenses. A cause of action in the Complaint
25 [and/or Counterclaim] which is not listed shall be dismissed with prejudice.

26 c. A list, in alphabetical order, of:

27 i. Each witness counsel actually expect to call at trial with a brief
28 statement, not exceeding four sentences, of the substance of the

1 witnesses' testimony.

2 ii. Each expert witness counsel actually expect to call at trial with a
3 brief statement, not exceeding four sentences, of the substance of
4 the expert witnesses' testimony.

5 iii. Additional witnesses, including experts, counsel do not expect to
6 call at this time but reserve the right to call at trial along with a
7 brief statement, not exceeding four sentences, of the substance of
8 the witnesses' testimony.

9 d. A list of:

10 i. All exhibits that counsel actually expect to offer at trial with a
11 one-sentence description of the exhibit. All exhibits are to be
12 identified numerically, plaintiff starting with "1" and defendant
13 beginning with an agreed upon numerical designation.

14 ii. All other exhibits that counsel do not expect to offer at this time
15 but reserve the right to offer if necessary at trial with a one-
16 sentence description of the exhibit.

17 e. A statement of all facts to which the parties stipulate. This statement
18 shall be on a separate page and will be read to and provided to the jury.

19 f. A list of all deposition transcripts by page and line, or videotape
20 depositions by section, that will be offered at trial.

21 g. Counsel will note any objections they have to any other parties' pretrial
22 disclosures pursuant to Federal Rule of Civil Procedure 26 (a)(3).

23 The Court encourages the parties to consult with the assigned magistrate judge to
24 work out any problems in preparation of the proposed pretrial order. The **Honorable**
25 **Robert S. Huie** will entertain any questions concerning the conduct of the trial at the
26 pretrial conference.

27 27. Counsel for plaintiff will be responsible for preparing the pretrial order and
28 arranging the meetings of counsel pursuant to CivLR 16.1(f)(6)(a). On or before **March**

1 **5, 2026**, plaintiff's counsel must provide opposing counsel with the proposed pretrial order
2 for review and approval. Opposing counsel must communicate promptly with plaintiff's
3 attorney concerning any objections to form or content of the pretrial order, and both parties
4 should attempt promptly to resolve their differences, if any, concerning the order.

5 28. The proposed final pretrial conference order, including objections counsel
6 have to any other party's Federal Rule of Civil Procedure 26(a)(3) Pretrial Disclosures shall
7 be prepared, served and lodged with **Judge Robert S. Huie's** chambers on or before
8 **March 12, 2026**, and shall be in the form prescribed in and in compliance with CivLR
9 16.1(f)(6)(c). Counsel shall also bring a court copy of the pretrial order to the pretrial
10 conference.

11 29. The final pretrial conference shall be held before the **Honorable Robert S.**
12 **Huie** on **March 19, 2026** at **1:30 p.m.**, during which time the Court will address the
13 submission of motions in limine, trial briefs, proposed voir dire and jury instructions and
14 the trial schedule.

15 30. The dates and times set forth herein will not be modified except for good cause
16 shown.

17 31. Plaintiff's counsel shall serve a copy of this order on all parties that enter this
18 case hereafter.

19 **IT IS SO ORDERED.**

20 Dated: October 23, 2024

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23 Hon. David D. Leshner
24 United States Magistrate Judge
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