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Conversion Corporation

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SERVER TECHNOLOGY, INC. (a Nevada  
corporation),  
  
Plaintiff,  
  
vs.  
  
AMERICAN POWER CONVERSION  
CORPORATION (a Massachusetts corporation),  
  
Defendant.

Case No.: 3:06-CV-00698-LRH-VPC

**JOINT REQUEST FOR EXTENSION  
OF TIME TO PREPARE AND FILE  
PRETRIAL ORDER AND PROPOSED  
SCHEDULING LEADING UP TO  
TRIAL**

1 In its recent Order of August 22, 2013, the Court requested that the parties file a Joint  
2 Pretrial Order in this case, stating that “the parties shall have thirty (30) days after entry of this  
3 order to prepare a proposed joint pretrial order and submit the same for signature.” This request  
4 would render the Joint Pretrial Order due on September 23, 2013. (Dkt. 423, p. 6). The parties  
5 have conferred regarding the preparation of the Joint Pretrial Order, and to insure an orderly  
6 preparation of the Joint Pretrial Order for use at trial, the parties jointly request a modest  
7 adjustment in the schedule relating to the Pretrial Order as set forth below. Following  
8 submission of the Pretrial Order as per the schedule requested below, the parties are available at  
9 the Court’s convenience to discuss the scheduling of a trial date.

10 The parties jointly request the adjustment in the schedule for the reasons set forth below.

11 **First**, both Plaintiff Server Technology, Inc. and Defendant American Power Conversion  
12 Corporation believe that given the importance of the Pretrial Order, the extensive record in this  
13 case, and the need for both designations and counter-designations, an extension of time within  
14 which to file the Pretrial Order would be advantageous for both parties and ultimately the Court.  
15 Accordingly, the parties hereby jointly request that the Court allow them to file the Joint Pretrial  
16 Order on November 22, 2013. This would allow the parties sufficient time to prepare initial  
17 designations for both deposition citations and exhibits by October 18, 2013, response  
18 designations by November 8, 2013, reply designations by November 18, 2013, and to submit the  
19 final Joint Pretrial Order for signature to the Court by November 22, 2013.

20 **Second**, the parties have also conferred regarding timing issues for motions *in limine* that  
21 would allow sufficient time for briefing on the motions *in limine* to be completed before the end  
22 of this year. The parties believe that a workable schedule for submitting motions *in limine* to the  
23 Court would put opening motions due by November 25, 2013, responses due by December 13,  
24 2013 and replies, if any, due by December 20, 2013.

25 **Third**, the parties have also conferred regarding possible trial dates that would conform  
26 to the schedule outlined above and believe that a trial in this case may proceed as early as

1 February 2014 or later subject, above all, to the Court's convenience and availability. Both  
2 parties expect that a trial on all of the issues could be completed within two weeks. As for  
3 setting a firm date for trial, the parties believe that finalizing the Joint Pretrial Order before  
4 setting a trial date is the best approach, and will comply with the local practice of proposing  
5 specific start dates for trial within the Joint Pretrial Order for the Court to consider.

6 Below is a synopsis of the proposed schedule, which if adopted by the Court would allow  
7 for trial to commence as early as February 2014:

8  
9 **Dates for Joint Pretrial Order**

10 Initial designations/Exhibits	October 18, 2013
11 Response designations	November 8, 2013
12 Reply designations	November 18, 2013
13 Final Order	November 22, 2013

14 **Motions in Limine**

15 Opening motions	November 25, 2013
16 Responses	December 13, 2013
17 Replies	December 20, 2013



18 SO ORDERED: \_\_\_\_\_

19 Honorable Judge Larry R. Hicks

20 Dated: October 9, 2013.

1 Dated: September 6, 2013.

2 Respectfully submitted,

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4 /s/James E. Hartley

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served on September 6, 2013 by the Court's electronic filing system to the following:

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*/s/ Kristopher R. Kiel* \_\_\_\_\_

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