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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 OYSTER OPTICS, LLC,

8 Plaintiff,

9 v.

10 CIENA CORPORATION,

11 Defendant.

Case No. [20-cv-02354-JSW](#)

**ORDER VACATING CASE
MANAGEMENT CONFERENCE AND
SETTING DEADLINES**

Re: Dkt. No. 143

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13 The Court has received and considered the parties' joint case management conference
14 statement and VACATES the case management conference scheduled for April 28, 2023. The
15 Court has considered Ciena's proposal but it will enter a modified version of the schedule set forth
16 in the parties' statement. If this schedule needs to be modified following the Court's ruling on the
17 motions in *Oyster I* (17-5920), the parties may submit requests to the Court. The Court will defer
18 setting a pretrial and trial date.

19 Accordingly, it is HEREBY ORDERED that the following deadlines will govern:

20 EVENT	DEADLINE
21 Fact discovery cut-off	October 27, 2023
22 Deadline to serve opening reports by parties 23 who bear burden of proof on issues	November 17, 2023
24 Deadline to serve rebuttal reports	December 15, 2023
25 Expert discovery cut-off	January 26, 2024
26 Deadline to meet and confer regarding 27 substance of <i>Daubert</i> and dispositive	February 9, 2024

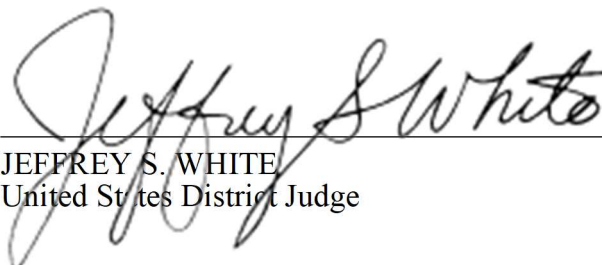
1	Deadline to file dispositive motions and	February 23, 2024
2	<i>Daubert</i> motions that are relevant to	
3	dispositive motions**	
4	Mediation cut-off	March 1, 2024
5	Opposition to dispositive motions and <i>Daubert</i>	March 15, 2024
6	motions	
7	Replies to dispositive motions and <i>Daubert</i>	March 29, 2024
8	motions	
9	Hearing on dispositive motions and <i>Daubert</i>	April 19, 2024 at 9:00 a.m.
10	motions	

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12 ** The parties shall limit their *Daubert* motions to the portions of expert testimony implicated
13 by the motions for summary judgment. The Court will permit further *Daubert* motions in advance
14 of the pretrial conference.

15 The Court is requiring the parties to meet and confer, as that term is defined in the
16 Northern District Civil Local Rules, in light of the parties' resolution of certain issues in *Oyster I*
17 after the opening briefs were filed. In addition, if the parties are going to cross-move on issues,
18 the Court will require a four brief format, with the opening brief filed by the party who bears the
19 burden at trial on that issue. For example, if Oyster is going to move for summary judgment on
20 infringement, and Ciena intends to move for summary judgment on non-infringement, Oyster will
21 file an opening brief, Ciena will file an opposition and cross-motion, Oyster will file an opposition
22 and reply, and Ciena will file a reply.

23 **IT IS SO ORDERED.**

24 Dated: April 24, 2023

25 
26 JEFFREY S. WHITE
27 United States District Judge