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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

QUALCOMM INCORPORATED,
Plaintiff,
v.
APPLE INCORPORATED,
Defendant.

Case No.: 17cv2403-CAB-MDD

**AMENDED CASE MANAGEMENT
ORDER REGULATING
DISCOVERY AND OTHER
PRETRIAL PROCEEDINGS IN A
PATENT CASE
[ECF NO. 105]**

On April 27, 2018, the parties filed a Joint Motion to Amend Claim Construction Hearing Dates. (ECF No. 105). The Court finds good cause to GRANT the motion. Accordingly, IT IS HEREBY ORDERED:

1. Any motion to join other parties, to amend the pleadings, or to file additional pleadings shall be filed by **June 29, 2018**.
2. On or before **April 26, 2018**, each party claiming patent infringement shall separately serve on all parties a Disclosure of Asserted Claims and Preliminary Infringement pursuant to Patent L.R. 3.1 and produce documents as required by Patent L.R. 3.2.
3. On or before **May 10, 2018**, each party opposing a claim of infringement shall serve Invalidity Contentions pursuant to Patent L.R. 3.3 and produce documents as

1 required by Patent L.R. 3.4.

2 4. On or before **May 24, 2018**, the parties shall exchange Preliminary Claim
3 Constructions pursuant to Patent L.R. 4.1(a) and identify extrinsic evidence as required
4 by Patent L.R. 4.1(b).

5 5. On or before **June 7, 2018**, the parties shall exchange Responsive Claim
6 Constructions pursuant to Patent L.R. 4.1(c) and identify extrinsic evidence as required
7 by Patent L.R. 4.1(d).

8 6. On or before **June 21, 2018**, parties shall complete and file a Joint Claim
9 Construction Chart, Joint Claim Construction Worksheet, and Joint Hearing Statement
10 pursuant to Patent L.R. 4.2.

11 7. The deadline for filing, as of right, Amended Infringement Contentions by a
12 party claiming infringement is **June 21, 2018**. See Patent L.R. 3.6(a).

13 8. All discovery intended for use in the Claim Construction Hearing must be
14 completed by **July 19, 2018**. See Patent L.R. 4.3.

15 9. The deadline for filing, as of right, Amended Invalidity Contentions by the
16 party opposing infringement is **July 19, 2018**. See Patent L.R. 3.6(b)

17 10. On or before **August 2, 2018**, the parties must file simultaneously their
18 Opening Claim Construction Briefs. See Patent L.R. 4.4(a).

19 11. On or before **August 16, 2018**, the parties must file simultaneously their
20 Responsive Claim Construction Briefs. See Patent L.R. 4.4(b).

21 12. The Claim Construction and tutorial hearing will be held **October 10 and**
22 **11, 2018**, at **9:00AM**. See Patent L.R. 4.5.

23 13. Not later than thirty (30) days after the filing of the Claim Construction
24 Order, any party relying upon advice of counsel as part of a patent-related claim or
25 defense for any reason must make the disclosures required by Patent L.R. 3.7

26 14. A party asserting infringement must serve final amended infringement
27 contentions, within the meaning of Patent L.R. 3.6(a)(1), not later than thirty (30) days
28 after service of the Court's Claim Construction Ruling.

1 15. A party opposing a claim of infringement must serve final amended
2 invalidity contentions, within the meaning of Patent L.R. 3.6(b)(2), not later than fifty
3 (50) days after service of the Court’s Claim Construction ruling.

4 16. The initial date for the substantial completion of document discovery
5 including electronically stored information (“ESI”) is **November 19, 2018**. See Patent
6 L.R. 2.1(a)(1).

7 17. All fact discovery shall be completed by all parties on or before **January 18,**
8 **2019**.

9 18. All expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be served on
10 all parties on or before **February 15, 2019**. Any contradictory or rebuttal disclosures
11 within the meaning of Rule 26(a)(2)(D)(ii) shall be disclosed on or before **March 15,**
12 **2019**. Unless otherwise stipulated by the parties, the required expert disclosures shall
13 include an expert report as required by Rule 26(a)(2)(B). If a written report is not
14 required, the disclosure must provide the information required under Rule 26(a)(2)(c).

15 19. All discovery, including expert discovery, shall be completed by all parties
16 on or before **April 12, 2019**. “Completed” means that interrogatories, requests for
17 production, and other discovery requests must be served at least thirty (30) days prior to
18 the established cutoff date so that response thereto will be due on or before the cutoff
19 date. All subpoenas issued for discovery must be returnable on or before the discovery
20 cutoff date. All disputes concerning discovery shall be brought the attention of the
21 Magistrate Judge no later than forty-five (45) days following the date upon which the
22 event giving rise to the dispute occurred. Counsel are required to meet and confer
23 regarding all discovery disputes pursuant to the requirements of Local Rule 26.1(a).
24 Counsel are to comply with the chambers rules of the Magistrate Judge in bringing
25 discovery before the court.

26 20. All other dispositive motions, including those addressing Daubert issues,
27 shall be FILED on or before **April 26, 2019**. Please be advised that counsel for the
28 moving party must obtain a motion hearing date from the law clerk of the judge who will

1 hear the motion. Failure of counsel to timely request a motion date may result in the
2 motion not being heard. Motions in Limine are to be filed as directed in the Local Rules,
3 or as otherwise set by Judge **Cathy Ann Bencivengo**.

4 21. 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 22. A Mandatory Settlement Conference shall be conducted upon joint request
9 of the parties.

10 23. Pursuant to Local Civil Rule 16.3, all party representatives and claims
11 adjusters for insured defendants with full and unlimited authority to negotiate and enter
12 into a binding settlement, as well as the principal attorney(s) responsible for the litigation,
13 must be present and legally and factually prepared to discuss and resolve the case at the
14 mandatory settlement conference. Retained outside corporate counsel shall not appear on
15 behalf of a corporation as the party who has the authority to negotiate and enter into a
16 settlement. Failure to attend the conference or obtain proper excuse will be considered
17 grounds for sanctions.

18 24. In order to identify the claims to be tried and eliminate delay and surprise at
19 trial, the Court enters the following pretrial order pursuant to Fed. R. Civ. P. 16.

20 25. Parties are excused from the requirement of Local Rule 16.1(f)(2)(a); no
21 Memoranda of Law or Contentions of Fact are to be filed.

22 26. All parties or their counsel shall fully comply with the Pretrial Disclosure
23 requirements of Fed. R. Civ. P. 26(a)(3) on or before **May 31, 2019**. Failure to comply
24 with these disclosures requirements could result in evidence preclusion or other sanctions
25 under Fed. R. Civ. P. 37.

26 27. Pursuant to Local Civil Rule 16.1(f)(4), on or before **June 7, 2019**, the
27 parties shall meet and confer to comply with the provisions of that section and prepare a
28 proposed pretrial order in accordance with Local Rule 16.1(f)(6)(c), and containing the

1 following:

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

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

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

9 i. Each witness counsel actually expect to call at trial with a brief
10 statement, not exceeding four sentences, of the substance of the
11 witnesses' testimony.

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

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

19 d. A list of:

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

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

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

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