UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OYSTER OPTICS, LLC,

Plaintiff,

v.

CIENA CORPORATION,

Defendant.

Case No. <u>20-cv-02354-JSW</u>

ORDER VACATING CASE MANAGEMENT CONFERENCE AND SETTING DEADLINES

Re: Dkt. No. 143

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

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

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



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

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

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

IT IS SO ORDERED.

Dated: April 24, 2023



