

United States District Court  
Northern District of California

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**EPIC GAMES, INC.,**  
Plaintiff,  
vs.  
**APPLE INC.,**  
Defendant.

Case No. 4:20-cv-05640-YGR  
**PRETRIAL ORDER NO. 2**

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**APPLE INC.,**  
Counterclaimant,  
v.  
**EPIC GAMES, INC.,**  
Counter-Defendant.

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The Court issues this Pretrial Order in advance of the Pretrial Conference scheduled for March 26, 2021 with respect to the below issues:

1. The Court has reviewed the parties’ tentative witness lists, indicating both the witnesses to be called for the bench trial and the estimated trial time for each witness. (*See* Dkt. Nos. 375, 376.) Based on a review of the tentative witness lists, the Court determines that each party is afforded forty-five (45) hours to be used in whatever manner they choose for the bench trial.
2. The Court has further determined that it will read up to four (4) hours of deposition designations for each side in advance of the bench trial. The four (4) hours is determined as timed by the deposition (*i.e.* the time indicated by the deposition transcripts). Anything beyond the four (4) hours will be counted against the forty-five (45) hours afforded to that

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3. With respect to stipulation setting forth agreed to pretrial deadlines (Dkt. No. 377), the Court **GRANTS** the stipulation as modified below:

- a. With respect to Number 15, the parties shall provide copies of their exhibits by **noon (12 PM PDT) on Thursday, April 29, 2021.**
- b. With respect to Number 22, the parties are **ORDERED** to hire a retired judicial officer to resolve their objections, to the extent that there are any. The Court is not inclined to read the alleged objectionable designations only to resolve them. The parties are **ORDERED** to meet and confer to determine whether the deposition designation schedule must be amended to allow for a third party to resolve objections, if any.
- c. By **noon (12 PM PDT) on Tuesday, April 27, 2021**, the parties are **ORDERED** to provide deposition designations, including counter designations, with all objections having been resolved. The designations shall be provided in the form of one hard copy and one electronic version on a flash drive.

This Order terminates Docket Number 377.

**IT IS SO ORDERED.**

Dated: March 23, 2021

  
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**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT JUDGE**