

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

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5 IN RE: PERSONALWEB
6 TECHNOLOGIES, LLC, ET AL., PATENT
7 LITIGATION

Case No. 18-md-02834-BLF
CASE MANAGEMENT ORDER NO. 2

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10 On November 2, 2018, the parties appeared for a Case Management Conference. As
11 discussed on the record at the Case Management Conference, the Court **ORDERS** as follows:

- 12 (1) The parties shall file a joint statement regarding designation of a representative
13 customer case by November 6, 2018. If the parties do not agree on designation of a
14 single representative customer case, the parties shall file one-page statements with
15 their positions by November 9, 2018.
- 16 (2) If the Court designates a representative customer case, PersonalWeb Technologies,
17 LLC and Level 3 Communications, LLC (collectively, "PersonalWeb") shall have
18 21 days from the date that the Court designates the representative case to deliver
19 infringement contentions to the defendant in the designated customer case.
- 20 (3) The hearing on the claims preclusion / *Kessler* motion is set for February 7, 2019,
21 at 2:00 P.M. The closing brief shall be filed at least 14 days before the hearing.
22 The parties shall meet and confer regarding the briefing schedule and shall submit
23 their proposed schedule to the Court by November 9, 2018.
- 24 (4) Briefs for the *Kessler* motion shall be limited to 20 pages for the motion and
25 opposition and 12 pages for the reply. Footnotes shall be in 12-point font and
26 double-spaced.
- 27 (5) As to discovery required for the *Kessler* motion, the parties shall submit any
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- 1 (6) A single claims construction hearing is anticipated by the parties to be heard in
2 May 2019 as previously scheduled.
- 3 (7) At this time, the parties do not anticipate pretrial motions to dismiss under Fed. R.
4 Civ. P. 12(b)(6) or patent invalidity motions. The parties do expect to file motions
5 for summary judgment and *Daubert* motions, if needed.
- 6 (8) Any *Daubert* hearing shall be scheduled at least 60 days prior to trial. The Court
7 does not reserve a hearing date for *Daubert* motions, and it will take at least five
8 months from the time the motion is filed to schedule a hearing date. The moving
9 party may reserve a hearing date up to 14 days prior to filing the motion as
10 described in the undersigned's standing order. Such motions are limited to 10
11 pages per expert and no more than 25 pages total.
- 12 (9) The next Case Management Conference is scheduled for February 7, 2019,
13 following the hearing on the *Kessler* motion.

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15 **IT IS FURTHER ORDERED** that the following schedule and deadlines shall apply to
16 this case:

EVENT	DATE OR DEADLINE
<i>Kessler</i> Hearing and Further Case Management Conference	February 7, 2019 (Thursday, 2:00 p.m.)
Claim Construction Tutorial	May 2, 2019 (Thursday, 1:30 p.m.)
Claim Construction Hearing	May 24, 2019 (Friday, 9 a.m.)
Last Day to Hear Dispositive Motions	November 15, 2019 (Friday, 9 a.m.)
Final Pretrial Conference	February 6, 2020 (Thursday, 1:30 p.m.)
Trial	March 16, 2020

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25 Dated: November 9, 2018

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27 BETH LABSON FREEMAN
United States District Judge