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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

APPLE INC.,

vs.
WI-LAN, INC.,

Plaintiff,

Defendant.

CASE NO. 14cv2235 DMS (BLM)
ORDER RE: RETRIAL

AND ALL RELATED
COUNTERCLAIMS.

On December 20, 2019, this matter came on regularly for a pretrial conference. After consulting with counsel, and for good cause appearing, **IT IS HEREBY ORDERED:**

1. **Trial Date.** The jury panel will report on January 15, 2020, to complete the jury questionnaire. Once the questionnaires are complete, they will be provided to counsel. The panel will then return for jury selection on **January 16, 2020, at 9:00 a.m.**, and once the jury is empaneled, the trial will be continued to **January 21, 2020, at 9:00 a.m.**

2. **Time Limits.** To promote the efficient administration of justice, provide for an orderly presentation of the evidence, and accommodate the parties' time estimates and Court's schedule, the Court orders reasonable time limits of seven (7) hours per side. In making these time limits, the Court is familiar with the issues in the

1 case and the parties' estimates for trial. The time limits include opening statements,
2 presentation of evidence, side-bar conferences, and closing argument. The time limits
3 are subject to revision for good cause shown, but the parties should exercise diligence
4 in efficiently presenting the case. The Courtroom Deputy Clerk will provide a summary
5 of the time used at the conclusion of each trial day.

6 3. **Motions *In Limine*.** The parties shall file and serve their motions *in*
7 *limine* on or before **January 2, 2020**. Each side shall be limited to five (5) motions, and
8 each motion shall be no more than five (5) pages. The parties are admonished,
9 however, to meet and confer to try and resolve their disputes before filing motions *in*
10 *limine*. Oppositions to motions *in limine* shall be filed on or before **January 9, 2020**,
11 and shall also be no more than five (5) pages. Reply briefs are not necessary and will
12 not be accepted for filing. A hearing on the parties' motions *in limine* shall be held on
13 **January 16, 2020**, following the conclusion of jury selection.

14 4. **Jury Instructions.** On or before **January 13, 2020**, jury instructions must
15 be submitted to the Court in the following format:

16 a. The parties are required **jointly** to submit one set of agreed upon
17 instructions. To this end, the parties are required to serve their proposed instructions
18 upon each other at least ten days before January 13, 2020. The parties then should
19 meet, confer, and submit to the Court one complete set of agreed upon instructions. The
20 Court prefers to use standard pattern instructions, such as the Ninth Circuit Model Jury
21 Instructions, Civil, the Judicial Council of California Civil Jury Instructions, or other
22 pattern instructions from other states, if applicable.

23 b. If the parties cannot agree upon one complete set of instructions,
24 they are required to submit one set of instructions to which they have agreed, and two
25 sets (one for each party) of supplemental instructions to which they have not agreed.

26 c. The joint instructions and supplemental instructions must be
27 presented to the Court on January 13, 2020, along with any objections to the
28 supplemental instructions. All objections shall be in writing, set forth the challenged

1 jury instruction in its entirety, identify the objectionable language, and contain citation
2 to authority explaining why the instruction is improper. Where applicable, the objecting
3 party shall submit an alternative instruction.

4 d. The parties are required to submit the proposed joint set of
5 instructions and proposed supplemental instructions in the following format:

6 i. Two copies of each instruction should be provided.

7 ii. The first copy should indicate the number of the proposed
8 instruction, the instruction, and the authority supporting the instruction.

9 iii. The second copy should contain **only** the proposed
10 instructions on plain paper, that is, not on pleading paper. No other marks or writings
11 should be present. This copy also should be presented via email in Word or
12 WordPerfect format (any version).

13 e. All instructions should be short, concise, and neutral statements of
14 law. Avoid argumentative instructions as they will not be given.

15 f. Any modification to a standard instruction must be identified by
16 specifying the modification to the original instruction and the authority supporting the
17 modification.

18 5. **Voir Dire.** The Court will conduct the initial voir dire of the panel. In
19 addition, the Court will allow each party thirty (30) minutes for attorney voir dire.

20 6. **Joint Statement, Witness and Exhibit Lists.** On or before **January 13,**
21 **2020**, the parties shall submit a final list of witnesses and exhibits and a joint
22 description of the case to be read to the jury. The parties shall submit an extra copy of
23 the witness and exhibit lists for the court reporter.

24 7. **Trial Briefs.** On or before **January 13, 2020**, the parties shall file and
25 serve on each other a trial brief that summarizes their theories of the case and what they
26 expect the evidence to show.

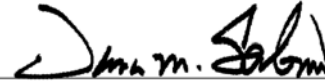
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1 8. **Electronic Equipment.** The parties must notify the Court in writing of
2 any electronic equipment they seek to use during the trial, and contact at least one week
3 before trial the Courtroom Deputy Clerk to arrange a time and date to set up any
4 electronic equipment.

5 **IT IS SO ORDERED.**

6 DATED: December 20, 2019



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8 HON. DANA M. SABRAW
9 United States District Judge
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