

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

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**CIVIL MINUTES - GENERAL**

**CASE NO.:** see cases below

**DATE:** November 12, 2013

**TITLE:**

1. CV 13-05980 SJO (PJWx) Black Hills Media LLC v. Pioneer Corporation, et al.
2. CV 13-06054 SJO (PJWx) Black Hills Media LLC v. Yamaha Corporation of America
3. CV 13-06062 SJO (PJWx) Black Hills Media LLC v. Sonos Inc.

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**PRESENT: THE HONORABLE S. JAMES OTERO, UNITED STATES DISTRICT JUDGE**

Victor Cruz  
Courtroom Clerk

Margarita Ramirez  
Court Recorder

**COUNSEL PRESENT FOR PLAINTIFF:**

Matthew C. Lapple  
Robert R. Gilman  
Jonathan R. Deblois

**COUNSEL PRESENT FOR DEFENDANTS:**

Robert S. Hill  
Harold A. Barza  
David Fehrman  
Alex S. Yap  
Jared W. Miller  
Vincent J. Belusko  
Christopher D. Butts  
George I. Lee  
Donald L. Ridge

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**PROCEEDINGS (in chambers): SCHEDULING CONFERENCE**

Hearing held.

The parties present their respective technology tutorials.

The Court and counsel confer regarding claim construction, discovery, experts, reports and scheduling issues.

Based on this discussion, the Court sets the following dates in this matter and all related cases. All related cases are to abide by the following schedule:

<b>Event [with corresponding N.D. Cal. Patent Local Rule ("P.L.R.") specified where applicable]</b>	<b>Due Date</b>
Disclosure of all documents evidencing Plaintiff's ownership of the patent rights [P.L.R. 3-2(d)]	November 15, 2013

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Disclosure of Plaintiff's Asserted Claims and Infringement Contentions and accompanying document production [P.L.R. 3-1 and 3-2]	December 12, 2013
Deadline to amend pleadings and add new parties	December 12, 2013
Disclosure of Defendants' Preliminary Invalidity Contentions and accompanying documentation production [P.L.R. 3-3 and 3-4]	January 27, 2014
Exchange claim terms needing construction	February 17, 2014
Exchange of preliminary claim constructions	March 3, 2014
Joint Claim Construction Chart and Prehearing Statement [P.L.R. 4-3]	March 31, 2014
Discovery cut-off for claim construction discovery [P.L.R. 4-4]	April 28, 2014
Plaintiff's claim construction brief [P.L.R. 4-5(a)]	May 19, 2014
Defendants' claim construction responsive briefs [P.L.R. 4-5(b)]	June 2, 2014
Plaintiff's claim construction reply brief [P.L.R. 4-5(c)]	June 9, 2014
Claim construction hearing [P.L.R. 4-6]	June 23, 2014
Fact discovery cut-off	August 4, 2014
Disclosure of opening expert report(s)	September 1, 2014
Disclosure of rebuttal expert report(s)	September 29, 2014
Expert discovery cut-off	December 1, 2014
Last day to hear dispositive motions	February 9, 2015
Final Pretrial Conference	Monday, March 2, 2015 at 9:00 a.m.
Jury Trial	Tuesday, April 14, 2015 at 9:00 a.m.

The Court does not set a different schedule for the litigation of any patents uniquely asserted against Sonos Inc. ("Sonos").

At the November 12 Scheduling Conference, the Court ordered Plaintiff to disclose documents

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All discovery was stayed until Plaintiff produced these documents. On November 15, 2013, Plaintiff filed Notice of Black Hill's Chain of Title Regarding the Patents-in-Suit ("Notice of Chain of Title") (ECF No. 100). However, in this Notice of Chain of Title, Plaintiff only lists the past and present owners of the Patents-in-Suit. Plaintiff does not appear to have provided documents or other evidence demonstrating the validity of the claimed transfers of ownership to Plaintiff. Plaintiff must provide this evidence no later than November 25, 2013. Until Plaintiff does so, all discovery in this case remains stayed.

The parties are reminded that under Rule 37(c)(1), the Court may issue sanctions for failure to disclose information properly pursuant to Rule 26.

Prior to the claim construction hearing, Plaintiff shall not assert more than thirty-two (32) claims against Defendants. No later than fourteen (14) days after the Court issues the claim construction order and before expert reports are disclosed, Plaintiff shall reduce the number of its asserted claims to no more than sixteen (16).

Similarly, prior to the claim construction hearing, Defendants are limited to no more than eighty (80) prior art references, with no more than fifteen (15) prior art references per patent. No later than twenty-eight (28) days after the Court issues the claim construction order, Defendants shall reduce the number of prior art references to forty (40), with no more than eight (8) references asserted against any single patent. The Court retains discretion to modify based on a particularized showing of good cause.

The Court will limit the parties to ten (10) claim terms for construction. However, the Court grants Sonos and Plaintiff an additional three (3) claim terms in patents asserted uniquely against Sonos. The Court encourages parties to be as specific as possible. The parties may stipulate that certain terms from different patents are identical in scope and meaning.

The Court will enter a modified version of the parties' stipulated E-Discovery and Protective Orders.

Plaintiff may take up to five (5) individual party fact witness depositions of up to seven (7) hours each from each Defendant (excluding Sonos). This does not include 30(b)(6) deposition testimony or depositions of third parties or non-parties, which are limited pursuant to the parties' agreements in the Joint Rule 26(f) Report (ECF No. 90). Plaintiff may take up to fifteen (15) individual party fact witness depositions from Sonos.

Sonos is limited to fifteen (15) individual fact depositions from Plaintiff of up to seven (7) hours each. The remaining Defendants are limited to five (5) individual party fact witness depositions of up to seven (7) hours each as outlined in the Joint Rule 26(f) Report. The Court may modify the limits on the number of individual fact depositions with good cause shown.

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Defendants may seek discovery on the prosecution and enforceability of the Patents-in-Suit; however, depositions of individuals involved in patent prosecution, other than the inventors themselves, shall count towards the limit for individual party fact witness depositions.

Plaintiff is limited to three expert witnesses: one on the issue of infringement, one on the issue of invalidity, and one on the issue of damages. Defendants are limited to a single common expert witness on the issue of invalidity, and each Defendant may present its own expert witness on the issues of infringement and on damages.

Each Defendant will have a total of twenty-one (21) hours for expert depositions of Plaintiff's experts. Each Defendant may divide these hours between Plaintiff's experts as it chooses. Plaintiff is allotted a total of fourteen (14) hours for Defendants' single common expert on invalidity, and is allotted a total of seven (7) hours for each of Defendants' expert witnesses on infringement and damages, and Plaintiff may divide these hours between each Defendants' set of experts as it chooses.

The Court limits Defendants' dispositive motions to the following: one joint motion for summary judgment on the issue of invalidity; one joint motion for summary judgment on the issue of inducement; and one motion for summary judgment from each Defendant on the issue of infringement.

At the Final Pretrial Conference, the Court will determine the proper format of the trial, including whether Defendants will be consolidated for the purposes of trial and the appropriate sequence of trials.

The Court will not grant extensions on discovery.