

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 14-1654-GW(MRWx) Date January 22, 2015

Title *Fontem Ventures, B.V., et al. v. Logic Technology Development, LLC*

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Javier Gonzalez

Katie Thibodeaux

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Michael J. Wise
Joseph P. Hamilton
Lara J. Dueppen

Victor De Gyarfas

PROCEEDINGS: CLAIMS CONSTRUCTION HEARING

Court and counsel confer. The Court adopts the attached Order re Disputes in Joint Scheduling Conference Report as its Final Order. Parties are advised that **all subsequent filings will now be filed under *Fontem Ventures, B.V., et al. v. NJOY, Inc., et al., CV 14-1645-GW(MRWx)***. Counsel will be required to file a Notice of Appearance in order to receive electronic service of all subsequent filings.

The Court's Tentative Rulings on Claims Construction is also circulated and attached hereto. Court hears oral argument. For reasons stated on the record, the Claims Construction Hearing is TAKEN UNDER SUBMISSION. Court to issue its ruling.

Initials of Preparer JG : 04

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FONTEM VENTURES B.V., a
Netherlands company; and FONTEM
HOLDINGS 1 B.V., a Netherlands
company,

Plaintiffs,

v.

NJOY, INC., a Delaware corporation,
and DOES 1-5, Inclusive,

Defendants.

Case No. CV14-8144 GW (MRWx)
and Related Consolidated Cases:
Case Nos. CV 14-08154; CV 14-
08155; CV 14-08156; CV 14-08157;
CV 14-08158; CV 14-08160; CV 14-
08161; CV 14-09263; CV 14-09266;
CV 14-09267; CV 14-09268; CV 14-
09269; CV 14-09270; CV 14-09271;
CV 14-09273

**ORDER RE DISPUTES IN JOINT
SCHEDULING CONFERENCE
REPORT**

STATUS CONFERENCE
Date: January 22, 2015
Time: 9:30 a.m.
Courtroom: 10 (Spring Street)

AND RELATED COUNTERCLAIMS.

1 The parties agree that Consolidated Case 1 and Consolidated Case 2 should
 2 be consolidated with each other, although they disagree concerning the case
 3 schedule—by less than two months. Accordingly, the Court consolidates all related
 4 cases, with the following schedule to apply:

	Fontem's Request	Defendants' Request	Court Order
Infringement Contentions Due	2015-1-12 (Complete)	2015-1-12 (Complete)	
Initial Disclosures	2015-1-26	2015-1-26	January 26, 2015
Invalidity Contentions Due	2015-2-12	2015-3-12	February 26, 2015
Exchange Claim Terms to be Construed (limited to five terms)	2015-2-19	2015-3-26	March 5, 2015
Exchange Preliminary Constructions and Supporting Extrinsic and Intrinsic Evidence	2015-2-26	2015-4-9	March 12, 2015
Joint Claim Construction and Prehearing Statement is Due	2015-3-5	2015-4-16	March 19, 2015
Completion of Claim Construction Discovery	2015-3-12	2015-4-23	March 26, 2015
Opening Claim Construction Briefs	2015-3-19 (Both Sides)	2015-5-7 (Both Sides)	April 9, 2015 (Both Sides)
Responsive Claim Construction Briefs	2015-3-26 (Both Sides)	2015-5-21 (Both Sides)	April 23, 2015

	Fontem's Request	Defendants' Request	Court Order
Approximate Date for Claim Construction Hearing	2015-4-2	2015-6-11	May 7, 2015 at 8:30 a.m. (Supplemental to January 22, 2015 hearing)
Fact Discovery Cutoff	2015-5-13	2015-7-16	June 4, 2015
Due date for Opening Expert Reports	2015-6-1	2015-7-30	June 18, 2015
Due date for Rebuttal Expert Reports	2015-6-30	2015-8-27	July 16, 2015
Expert Discovery Cutoff	2015-7-17	2015-9-17	August 6, 2015
Motion hearing cut-off	2015-8-28	2015-10-23	September 10, 2015
Last day to conduct ADR Session	2015-9-8	2015-10-30	September 17, 2015
Post-Mediation Status Conference			September 21, 2015 at 8:30 a.m.
Last day to serve pretrial disclosures	2015-9-22	2015-11-9	October 1, 2015
Pretrial Conference	2015-10-6	2015-11-19	October 15, 2015 at 8:30 a.m.
Trial	2015-10-19	2015-12-7	November 3, 2015 at 9:00 a.m.

The Court adopts the parties' agreed discovery limitations. The Court rules on the parties' disputes concerning the scope of discovery as follows:

Chart Regarding Parties' Positions on Disputed Discovery Parameters

Issue	Fontem's Position	Defendants' Position	Court Order
Protective Order	The parties disagree as to whether a prosecution bar is necessary in this case. The parties have agreed that Fontem's counsel will not be subject to a prosecution bar based on Fontem's representation that it will not seek discovery on Defendants' future products. Some Defendants have also agreed not to seek discovery regarding Fontem's future products so that no prosecution bar would be necessary for those Defendants. Fontem believes that if a defendant insists on discovery regarding Fontem's future products, that defendant's counsel should be subject to a prosecution bar.	At least Logic has not made a final decision on the protective order.	Parties to further meet and confer and present any actual dispute to the Court.
Interrogatories	Each side may serve up to 15 common interrogatories on the other side. Additionally, each Defendant may serve up to 10 individual interrogatories on Fontem and Fontem may serve up to 10 individual interrogatories on each Defendant.	No changes to the Federal Rules are appropriate.	Each side may serve up to 5 common interrogatories on the other side. Additionally, each Defendant may serve up to 20 individual interrogatories on Fontem and Fontem may serve up to 20 individual interrogatories on

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