

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

SRC Labs, LLC. et al ,

Plaintiff,

v.

1:17cv1172 (LO-JFA)

Microsoft ,

Defendant.

**ORDER**

A Fed. R. Civ. P. 16(b) PRETRIAL CONFERENCE will be held on Wednesday, January 24, 2018 at 11:00 a.m. before a magistrate judge. The parties shall confer before this conference to consider the claims, defenses, possibilities of a prompt settlement or resolution of the case, trial before a magistrate judge, to arrange for the disclosures required by Rule 26(a)(1), and to develop a discovery plan which will complete discovery by Friday, May 11, 2018. A party may not exceed five (5) non-party, non-expert witness depositions and may not serve on any other party more than thirty (30) interrogatories, including parts and subparts, without leave of court. Proposed discovery plans must be filed by the Wednesday one week before the Rule 16(b) pretrial conference.

Any party required to file an answer must do so within twenty (20) days.


The FINAL PRETRIAL CONFERENCE will be held on Friday, May 18, 2018 at 1:30 p.m.

The parties must *electronically file on or before* the final pretrial conference the Rule 26(a)(3) disclosures and a list of the exhibits to be used at trial, a list of the witnesses to be called at trial and a written stipulation of uncontested facts. The exhibits themselves or a copy should be exchanged with opposing counsel before the conference. Objections to exhibits must be filed within 10 days after the conference; otherwise the exhibits shall stand admitted in evidence. The original exhibits shall be delivered to the clerk as provided by Local Rule 79(A). Non-expert witnesses and exhibits not so disclosed and listed will not be permitted at trial except for impeachment or rebuttal, and no person may testify whose identity, being subject to disclosure or timely requested in discovery, was not disclosed in time to be deposed or to permit the substance of his knowledge and opinions to be ascertained. The trial of this case will be set for a day certain, within 4-8 weeks of the final pretrial conference.

Discovery may begin as of receipt of this Order.

**PERSONAL IDENTIFIERS MUST BE REDACTED FROM ALL PUBLICLY FILED PLEADINGS AND EXHIBITS IN ACCORDANCE WITH LOCAL RULE 7(C).**

Alexandria, Virginia  
December 22, 2017

*ls/*   
Liam O'Grady  
United States District Judge

## NOTICE

### INITIAL AND FINAL PRETRIAL FILINGS

In accordance with Rules 5 and 73, Federal Rules of Civil Procedure, the following procedures are to be followed:

#### **Initial Pretrial**

Counsel should confer with their clients prior to the initial pretrial conference and be prepared to respond to inquiry by the judge regarding consent to exercise of jurisdiction by a United States Magistrate Judge for trial and entry of final judgment.

#### **Final Pretrial**

Witness lists and exhibit lists, signed by local counsel, accompanied by a certification of service are to be filed at the final pretrial conference.

Original exhibits, labeled consistent with the exhibit list, bound and tabbed, to be filed one (1) business day before trial. A copy of the exhibits should be exchanged with opposing counsel before the final pretrial conference.

Fernando Galindo  
Clerk of Court

**UNITED STATES DISTRICT COURT**

**FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

\_\_\_\_\_, Plaintiff

V.

Case Number: \_\_\_\_\_

\_\_\_\_\_, Defendant

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE  
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

**CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party	Signature of Counsel or <i>Pro Se</i> Party	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**ORDER OF REFERENCE**

IT IS ORDERED that this case be referred to a United States Magistrate Judge to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. §636(c) and Fed.R.Civ.P. 73.

\_\_\_\_\_  
Date United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED