

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTRI-PLEX TECHNOLOGIES, INC.,
Plaintiff,
v.
NHK INTERNATIONAL CORPORATION,
et al.,
Defendants.

Case No. [17-cv-01097-EMC](#)

**CASE MANAGEMENT AND
PRETRIAL ORDER FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10, THE FOLLOWING DEADLINES ARE HEREBY ORDERED:

1. TRIAL DATE: 3/25/2019, at 8:30 a.m.
Courtroom 5, 17th Floor
Jury () or Court ()
2. TRIAL LENGTH: Estimated five (5) court days (typical court day for trial is 8:30 a.m. to 2:00 p.m.; **Thursdays are dark**)
3. FINAL PRETRIAL CONFERENCE: 2/26/2019, at 2:30 p.m.
LEAD COUNSEL WHO WILL TRY THE CASE MUST ATTEND.
4. DISPOSITIVE MOTIONS: Last day to be *heard* 12/13/2018 at 1:30 p.m.
See Civil Local Rules for notice and filing requirements.
5. NON-EXPERT DISCOVERY CUT-OFF: 9/20/2018
6. EXPERT REPORTS: Opening reports by 9/20/2018
Rebuttal reports by 10/11/2018
7. EXPERT DISCOVERY CUT-OFF: 11/1/2018

1 **PRETRIAL INSTRUCTIONS**

2 **A. MEET AND CONFER**

3 At least forty-two (42) days prior to the final pretrial conference, lead counsel who will try
4 the case shall meet and confer regarding the following:

- 5 1. Preparation and content of the joint pretrial conference statement, *see* Part B, *infra*;
6 2. Preparation and exchange of pretrial materials, *see* Part C, *infra*; and
7 3. Settlement of the action.

8 **B. JOINT PRETRIAL CONFERENCE STATEMENT**

9 At least twenty-one (21) days prior to the final pretrial conference, the parties shall file a
10 joint pretrial conference statement. The statement shall contain the following information:

11 **1. The Action.**

- 12 a. Substance of the Action. A brief description of the substance of claims and
13 defenses which need to be decided.
14 b. Relief Prayed. A statement of all relief sought, particularly itemizing all
15 elements of damages claimed.

16 **2. Factual Basis of the Action.**

- 17 a. Undisputed Facts. A list of all stipulated facts, *i.e.*, all facts parties to which
18 the parties will stipulate to for incorporation into the trial record without the
19 necessity of supporting testimony or exhibits.
20 b. Disputed Factual Issues. A list of all factual issues that remain to be tried,
21 stating the issues with the same generality/specificity as any contested
22 elements in the relevant jury instructions and organized by counts.

23 **3. Disputed Legal Issues.** *Without extended legal argument*, a concise statement of
24 each disputed point of law concerning liability or relief, citing supporting statutes
25 and decisions.

26 **4. Estimate of Trial Time.** An estimate of the number of hours needed for the
27 presentation of each party's case.

28 **5. Trial Alternatives and Options.**

- 1 a. Settlement Discussion. A statement summarizing the status of settlement
2 negotiations and indicating whether further negotiations are likely to be
3 productive.
- 4 b. Consent to Trial Before a Magistrate Judge. A statement whether reference
5 of all or part of the action to a master or magistrate judge is feasible,
6 including whether the parties consent to a court or jury trial before a
7 magistrate judge, with appeal directly to the Ninth Circuit.
- 8 c. Amendments or Dismissals. A statement of requested or proposed
9 amendments to pleadings or dismissals of parties, claims, or defenses.
- 10 d. Bifurcation or Separate Trial of Issues. A statement of whether bifurcation
11 or a separate trial of specific issues is feasible and desired.
- 12 6. Witnesses. *The following information should be provided as an appendix to the*
13 *joint pretrial conference statement.* For each party, a list of all witnesses likely to
14 be called at trial, including those appearing by deposition. For each witness, there
15 should be a short statement of the substance of his or her testimony and an estimate
16 regarding the length of testimony (including direct and cross-examination). If the
17 witness is an expert witness, the short statement should clearly state the expert's
18 theories and conclusions and the bases therefor; in addition, the expert's curriculum
19 vitae and report (if any) should be attached. If there are objections to a live
20 witness's testimony, whether in whole or in part, that objection should be raised
21 through a motion in limine. For objections to deposition testimony, *see* Part B.8,
22 *infra*.
- 23 7. Exhibits. *The following information should be provided as an appendix to the joint*
24 *pretrial conference statement.* A joint exhibit list in tabular form, with (a) a
25 column that briefly describes the exhibit; (b) a column that describes for what
26 purpose the party will offer the exhibit and identifies its sponsoring witness; (c) a
27 column that states any objections to the exhibit; (d) a column that briefly responds
28 to the objections; and (e) a blank column for the Court's use. Before this list is

1 filed with the Court, the parties shall meet and confer, in person, to consider exhibit
2 numbers, to eliminate duplicate exhibits and confusion over exhibits, and to make a
3 good faith effort to stipulate to admissibility. If stipulation is not possible, the
4 parties shall make every effort to stipulate to authenticity and foundation absent a
5 legitimate (not tactical) objection. In addition to the above, a *joint* statement in
6 which each party identifies fifteen (15) of the opposing party's exhibits for which
7 the identifying party seeks rulings on objections *in advance* of trial. A party may
8 identify, *e.g.*, an exhibit that it believes is critical to the case (if admitted or if not
9 admitted) or an exhibit that it believes is representative of other exhibits such that
10 the identified exhibit will provide a bellwether as to how the Court will rule on
11 other exhibits.

- 12 **8. Use of Discovery Responses.** *The following information should be provided as an*
13 *appendix to the joint pretrial conference statement.* Excerpts of interrogatory
14 responses, responses to requests for admission, and deposition testimony (with
15 specific line references identified) that each party intends to present at trial. If there
16 are objections to the use of written responses, the parties should include a joint
17 memorandum that briefly states the objecting party's objection and the opposing
18 party's response. If there is an objection to the general subject matter of a
19 deponent's testimony, the objection should be made through a motion in limine. If
20 specific objections were made during the deposition that are still in need of a Court
21 ruling, the parties should include a joint memorandum that identifies the deposition
22 testimony at issue and that briefly states the objecting party's objection (including
23 any counter-designation) and the opposing party's response (including any counter-
24 designation). The Court expects the parties to meet and confer in good faith in the
25 attempt to resolve those specific objections regarding deposition testimony before
26 any memorandum regarding objections are filed.

27 **C. PRETRIAL MATERIALS**

28 At least twenty-one (21) days prior to the final pretrial conference, the parties shall file the

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