

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Philips North America LLC,
Plaintiff,
v.
Garmin International, Inc. and Garmin
Ltd.,
Defendants.

Case No. CV 19-06301-AB-KS

ORDER RE: JURY/COURT TRIAL

- I. SCHEDULE**
- II. TRIAL PREPARATION**
- III. CONDUCT OF ATTORNEYS AND PARTIES**

1 **I. SCHEDULE**

2 The Scheduling Order governing this case is set forth in the Schedule of Pretrial
3 and Trial Dates chart below. Whether this is a jury trial or court trial is indicated in
4 the upper right hand box. If the parties wish to set additional dates, they may file a
5 Stipulation and Proposed Order so seeking. This may be especially appropriate in
6 class actions, patent cases, or cases for benefits under the Employee Retirement
7 Income Security Act of 1974 (“ERISA”).

8 Please refer to the Court’s Standing Order for requirements for specific
9 motions, discovery, certain types of filings, courtesy copies, emailing signature items
10 to chambers, alternative dispute resolution, and other matters pertaining to all cases.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JUDGE ANDRÉ BIROTTE JR.
SCHEDULE OF PRETRIAL AND TRIAL DATES

Trial and Final Pretrial Conference Dates		Court Order mm/dd/yyyy
Trial		03/30/2021 at 8:30 a.m. <input checked="" type="checkbox"/> Jury Trial <input type="checkbox"/> Court Trial 4-7 Day(s)
Final Pretrial Conference ("FPTC") [L.R. 16], Hearing on Motions In Limine		03/12/2021 at 11:00 a.m.
Event ¹ Note: Hearings shall be on Fridays at 10:00 a.m. Other dates can be any day of the week.		Weeks Before FPTC
Last Date to Hear Motion to Amend Pleadings/Add Parties [Friday]		05/28/2020
Non-Expert Discovery Cut-Off		17 09/04/2020
Expert Disclosure (Initial)		09/25/2020
Expert Disclosure (Rebuttal)		10/16/2020
Expert Discovery Cut-Off		12 ² 11/06/2020
Last Date to Hear Motions [Friday] • Rule 56 Motion due at least 5 weeks before hearing • Opposition due 2 weeks after Motion is filed • Reply due 1 week after Opposition is filed		12 01/08/2021
Deadline to Complete Settlement Conference [L.R. 16-15]		10 10/01/2020 <input checked="" type="checkbox"/> 1. Magistrate Judge <input type="checkbox"/> 2. Court's Mediation Panel <input type="checkbox"/> 3. Private Mediation
Trial Filings (first round) • Motions In Limine • Memoranda of Contentions of Fact and Law [L.R. 16-4] • Witness Lists [L.R. 16-5] • Joint Exhibit List [L.R. 16-6.1] • Joint Status Report Regarding Settlement • Proposed Findings of Fact and Conclusions of Law [L.R. 52] (<i>court trial only</i>) • Declarations containing Direct Testimony, if ordered (<i>court trial only</i>)		3 02/05/2021
Trial Filings (second round) • Oppositions to Motions In Limine • Joint Proposed Final Pretrial Conference Order [L.R. 16-7] • Joint/Agreed Proposed Jury Instructions (<i>jury trial only</i>) • Disputed Proposed Jury Instructions (<i>jury trial only</i>) • Joint Proposed Verdict Forms (<i>jury trial only</i>) • Joint Proposed Statement of the Case (<i>jury trial only</i>) • Proposed Additional Voir Dire Questions, if any (<i>jury trial only</i>) • Evidentiary Objections to Decls. of Direct Testimony (<i>court trial only</i>)		2 02/26/2021

¹ The parties may seek dates for additional events by filing a separate Stipulation and Proposed Order. Class actions and patent and ERISA cases in particular may need to vary from the above.

² The parties may wish to consider cutting off expert discovery prior to the deadline for filing an MSJ.

ADDITIONAL DATES AND DEADLINES

The Court largely adopts the following schedule of additional dates and deadlines jointly proposed by the parties in their Rule 26(F) Report (*see* Dkt. No. 46):

EVENT	ORDER
Initial Disclosures Pursuant to Rule 26(a)	January 16, 2020
Infringement Contentions as set forth in N.D. Cal. Local Patent Rule 3-1	February 27, 2020
Document Production as set forth in N.D. Cal. Local Patent Rule 3-2	March 12, 2020
Invalidity Contentions as set forth in N.D. Cal. Local Patent Rule 3-3	March 26, 2020
Document Production as set forth in N.D. Cal. Local Patent Rule 3-4	April 9, 2020
Exchange of Proposed Claim Terms for Construction	April 9, 2020
Exchange of Proposed Claim Constructions as set forth in N.D. Cal. Local Patent Rule 4-2	April 30, 2020
Deadline to Amend Pleadings/Add Parties (<i>also reflected in the Schedule of Pretrial and Trial Dates above</i>)	May 28, 2020
Simultaneous Opening Claim Construction Briefs	June 25, 2020
Claim Construction Hearing	July 31, 2020 10:00 a.m.
Deadline to Amend Infringement and Invalidity Contentions	Within 21 days of Claim Construction Order
Fact Discovery Cut-off (<i>also reflected in the Schedule of Pretrial and Trial Dates above</i>)	September 4, 2020
Opening Expert Reports (<i>also reflected in the Schedule of Pretrial and Trial Dates above</i>)	September 25, 2020
Rebuttal Expert Reports (<i>also reflected in the Schedule of Pretrial and Trial Dates above</i>)	October 16, 2020
Expert Discovery Cut-off (<i>also reflected in the Schedule of Pretrial and Trial Dates above</i>)	November 6, 2020
Dispositive Motion Filing Deadline	November 24, 2020
Oppositions to Dispositive Motions	December 11, 2020
Replies on Dispositive Motions	December 18, 2020

1	Hearing on Dispositive Motions (<i>also reflected in the Schedule of Pretrial and Trial Dates above</i>)	January 8, 2021
2		
3	First Round of Pre-Trial Filings Due (<i>also reflected in the Schedule of Pretrial and Trial Dates above</i>)	February 5, 2021
4		
5	Second Round of Pre-Trial Filings Due (<i>also reflected in the Schedule of Pretrial and Trial Dates above</i>)	February 26, 2021

6

7 **A. Deadlines for Motions.**

8 All motions must be noticed to be *heard* on or before their respective deadlines.
9 All unserved parties will be dismissed at the time of the pretrial conference pursuant
10 to Local Rule 16-8.1.

11 **B. Discovery Cut-Off and Discovery Disputes**

12 1. Discovery Cut-off: The cut-off date for discovery *is not* the date
13 by which discovery requests must be served; it is the date by which all discovery,
14 *including all hearings on any related motions*, must be completed. Thus, written
15 discovery must be served, and depositions must begin, sufficiently in advance of the
16 discovery cut-off date to permit the discovering party enough time to challenge via
17 motion practice responses deemed to be deficient. Given the requirements to meet
18 and confer and to give notice, in most cases a planned motion to compel must be
19 discussed with opposing counsel at least six weeks before the cut-off.

20 2. Expert Discovery: All expert disclosures must be made in writing.
21 The parties should begin expert discovery shortly after the initial designation of
22 experts. The final pretrial conference and trial dates will not be continued merely
23 because expert discovery is not completed. Failure to comply with these or any other
24 orders concerning expert discovery may result in the expert being excluded as a
25 witness.

26 3. Discovery Disputes: Counsel must use best efforts to resolve
27 discovery problems among themselves in a courteous, reasonable and professional
28 manner. Counsel must adhere to the Civility and Professionalism Guidelines at

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.