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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

LARGAN PRECISION CO., LTD.,

Plaintiff,

v.

ABILITY OPTO-ELECTRONICS
TECHNOLOGY CO., LTD.
AND HP INC.,

Defendants.

CASE NO. 3:20-cv-06607-JD

**AMENDED JOINT CASE
MANAGEMENT CONFERENCE
STATEMENT**

Date: January 7, 2021

Time: 10:00am

Place: Courtroom 11, 19th Floor

Judge: Honorable James Donato

13 Pursuant to Civil L.R. 16-9, Federal Rule of Civil Procedure 26(f), Patent Local Rule 2-
14 1(b), the Standing Order for Civil Cases Before Judge James Donato, the Standing Order for All
15 Judges of the Northern District of California – Contents of Joint Case Management Statement, the
16 Court’s Order Setting Initial Case Management Conference and ADR Deadlines (Dkt. No. 148),
17 and the January 7, 2021 case management conference and subsequent minute entry (Dkt. No. 170),
18 Plaintiff Largan Precision Co., Ltd. (“Largan”) and Defendants, Ability Opto-Electronics
19 Technology Co., Ltd. (“Ability”) and HP Inc. (“HP”) (Ability and HP together, “Defendants”)
20 (Largan and Defendants collectively, the “Parties”), having met and conferred, submit this
21 Amended Joint Case Management Conference Statement.

22 The claims and defenses, discovery, and other issues are discussed in the parties’ earlier-
23 filed joint pre-case management conference filing. *See generally* Dkt. No. 165. This Amended
24 Joint Case Management Conference statement is intended to address the case schedule based on
25 the Court’s statements at the January 7, 2021 case management conference and order that the
26 parties submit a proposed scheduling order, but also includes the sections required by this Court’s
27 Local Rules and Standing Orders.
28

1 **1. Jurisdiction, Venue, and Service**

2 Jurisdiction, venue and service information are included in the joint pre-case management
3 conference filing.¹ *See* Dkt. No. 165, at 2-3.

4 **2. Facts and Principal Factual Issues in Dispute**

5 **A. Brief Chronology of the Facts**

6 A brief chronology of the facts, and the Parties' positions relating to them, are included in
7 the joint pre-case management conference filing. *See* Dkt. No. 165, at 3-4.

8 **1. Claim Construction**

9 The Parties have proposed dates addressing the Patent Local Rule's claim construction
10 process and the Court's Standing Order for Claim Construction in Patent Cases in Section 18
11 ("Scheduling"). The proposed dates follow the Court's direction during the January 7, 2021 case
12 management conference that the claim construction hearing be scheduled after the completion of
13 fact discovery.

14 **2. Discovery**

15 The Parties have included a date for the completion of fact discovery in Section 18
16 ("Scheduling"). The proposed date follows the Court's direction that fact discovery should be
17 completed six-to-eight months after the January 7, 2021 case management conference.

18 **3. *Inter Partes* Review**

19 Ability has filed petitions for *inter parties* review ("IPRs") seeking review of all of the
20 asserted claims of the '796 and '691 patents. Ability has also filed an IPR seeking review of all
21 but one of the asserted claims of the '378 patent (claim 9). The Board is expected to decide whether
22 to institute the IPRs on the '796 and '691 patents on or before February 23, 2021, and on the '378
23 patent on or before March 18, 2021. The one-year statutory deadline for filing an IPR against the
24 '518 patent has passed, with neither Ability nor HP challenging that patent. The Parties will
25 promptly advise the Court of any developments at the PTAB. Dkt. No. 170.

26 _____
27 ¹ The Parties have included each of the sections required under the Standing Order for all Judges
28 of the Northern District of California - Contents of Joint Case Management Statement. The
Parties have provided a cross-reference to the information in their pre-case management
conference filing where necessary for brevity.

1 **B. Principal Factual Issues in Dispute**

2 The Parties' positions on the principal factual issues in dispute are included in the joint pre-
3 case management conference filing. *See* Dkt. No. 165, at 13-14.

4 **4. Legal Issues**

5 The Parties' positions on the legal issues presented are included in the joint pre-case
6 management conference filing. *See* Dkt. No. 165, at 14-15.

7 **5. Motions**

8 **A. Prior Motions**

9 The prior motions, and the Parties' positions relating to them, are included in the joint pre-
10 case management conference filing. *See* Dkt. No. 165, at 15-17.

11 **B. Pending Motions**

12 No motions by any party were pending at the time the Federal Circuit granted HP's Petition
13 for a Writ of Mandamus.

14 **C. Anticipated Motions**

15 The Parties' positions relating to anticipated motions are included in the joint pre-case
16 management conference filing. *See* Dkt. No. 165, at 17-19.

17 **6. Amendment of Pleadings**

18 The Parties don't expect to add or dismiss parties, claims, or defenses.

19 **7. Evidence Preservation**

20 The Parties met and conferred pursuant to Fed. R. Civ. P. 26(f) regarding reasonable and
21 proportionate steps to preserve evidence relevant to the issues in this action on February 18, 2020
22 and again on December 3, 2020 after transfer. The Parties certify that they have reviewed the
23 Standing Order for E-Discovery and Email Discovery in Patent Cases Before Judge James Donato,
24 the Guidelines Relating to the Discovery of Electronically Stored Information ("ESI Guidelines"),
25 and the Court's Checklist for ESI Meet and Confer.

26 **8. Disclosures**

27 The Parties made their Rule 26(a)(1) initial disclosures on May 18, 2020. Each party
28 reserves its right to amend such disclosures as discovery progresses.

1 **9. Discovery**

2 **A. Discovery taken to date**

3 The discovery taken to date, and the Parties' positions relating to it, are included in the
4 joint pre-case management conference filing. *See* Dkt. No. 165, at 19-24.

5 **B. Discovery Orders**

6 The Parties agreed before transfer to a Protective Order, a Discovery Order and an Order
7 Regarding E-Discovery. *See* Dkt. Nos. 75, 76 and 77. Additional information on the Parties'
8 positions on discovery orders is included in the joint pre-case management conference filing. *See*
9 Dkt. No. 165, at 8-12, 24, and 26-27. As the Court directed during the January 7, 2021 case
10 management conference, the Parties are working together to jointly prepare updated versions of
11 these orders that track the Parties' previously agreed terms and to conform to this Court's Standing
12 Orders. The Parties expect to file these revised versions for the Court's approval within 30 days of
13 filing this statement.

14 **C. The scope of anticipated discovery**

15 The Parties' positions regarding the scope of anticipated discovery are included in the
16 joint pre-case management conference filing. *See* Dkt. No. 165, at 24-25.

17 **D. Any proposed limitations or modifications of the discovery rules**

18 Proposed limitations or modifications of the discovery rules are included in the joint pre-
19 case management conference filing. *See* Dkt. No. 165, at 26-27. The Parties will also include these
20 proposals in the revised discovery orders.

21 **E. Proposed discovery plan pursuant to Fed. R. Civ. P. 26(f)**

22 The Parties' proposed schedule for completing discovery is set forth in Section 18 below.

23 **F. Any identified discovery disputes**

24 The Parties' positions relating to identified and anticipated discovery disputes are included
25 in the joint pre-case management conference filing. *See* Dkt. No. 165, at 27-28.
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