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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HAPTIC, INC.,  
Plaintiff,  
v.  
APPLE, INC.,  
Defendant.

Case No. 24-cv-02296-JSC

**PRETRIAL ORDER NO. 1**

Following the initial Case Management Conference held on May 16, 2024, IT IS

ORDERED:

**I. CASE MANAGEMENT SCHEDULE**

Task	Deadline
Service of Preliminary Infringement Contentions, Identification of Priority Dates, and Production of Patent Documents and File Histories	May 30, 2024
Stipulated Protective Order and ESI Order	May 30, 2024
ADR Certification	June 27, 2024
Service of Preliminary Invalidity Contentions and Production of Prior Art References	July 15, 2024
Parties Exchange Lists of Proposed Terms for Claim Construction and Why the Construction Matters	July 29, 2024
Parties Exchange Proposed Claim Constructions and Disclose Extrinsic Evidence	August 12, 2024
Deadline to Meet and Confer to Narrow Disputed Terms and Exchange Revised List of Terms and Constructions	August 19, 2024
Joint Claim Construction and Prehearing Statement	August 29, 2024
Damages Contentions	September 3, 2024
Close of Claim Construction Discovery	September 30, 2024
Responsive Damages Contentions and Final Disclosure of Non-Infringing Alternatives	October 3, 2024
Opening Claim Construction Brief	October 15, 2024
Responsive Claim Construction Brief	October 29, 2024
Reply Claim Construction Brief	November 5, 2024
Markman Hearing	December 6, 2024
Close of Fact Discovery	February 28, 2025
Opening Expert Reports	April 4, 2025

Rebuttal Expert Reports	May 2, 2025
Close of Expert Discovery	May 30, 2025
Deadline to Move to Amend Pleadings	May 30, 2025
Dispositive and <i>Daubert</i> Motion Filing Deadline	June 26, 2025

A further Case Management Conference is scheduled for August 22, 2024 at 1:30 p.m. via Zoom video. An updated Joint Case Management Conference Statement is due August 15, 2024. The Court will be particularly interested in the progress of claim construction discovery.

## II. DISCOVERY DEADLINES

All depositions must be noticed at least 30 days before the close of fact discovery. Any discovery-related letter briefs or motions are due one week after the close of fact discovery. The same rules apply to expert discovery. *See* N.D. Cal. Civ. L.R. 37-3. For fact witnesses, each side is limited to a total of 100 hours. Expert depositions shall be limited to seven hours, absent agreement of the parties or court order permitting more time.

## III. TRIAL DATE

A. Jury trial will begin on September 29, 2025, at 8:30 a.m., in Courtroom 8, 19th Floor, U.S. District Court, 450 Golden Gate, San Francisco, California.

B. The Court is expecting the length of the trial to not exceed 5 court days. Each side is likely to be limited to 10 hours for direct and cross-examination; additional time is given for openings and closings and potentially for willfulness issues.

## IV. PRETRIAL CONFERENCE

A Final Pretrial Conference shall be held on September 3, 2025, at 2:00 p.m., in Courtroom 8, 19th Floor. Lead trial counsel for each party shall attend.

A. At least seven days prior to date of the Final Pretrial Conference the parties shall do the following:

1. In lieu of preparing a Joint Pretrial Conference Statement, the parties shall meet and confer in person, and then prepare and file a jointly signed Proposed Final Pretrial Order that contains: (a) a brief description of the substance of claims and defenses which remain to be decided; (b) a statement of all relief sought; (c) all stipulated facts; (d) a joint exhibit list in

1 for when it will be offered into evidence, a blank column for when it may be received into  
2 evidence, and a blank column for any limitations on its use; and (e) each party's separate witness  
3 list for its case-in-chief witnesses (including those appearing by deposition), including, for all such  
4 witnesses (other than party plaintiffs or defendants), a short statement of the substance of his/her  
5 testimony and, separately, what, if any, non-cumulative testimony the witness will offer. For each  
6 witness, state an hour/minute time estimate for the direct examination (only). Items (d) and (e)  
7 should be submitted as appendices to the proposed order. The proposed order should also state  
8 which issues, if any, are for the Court to decide, rather than the jury.

9           2.       File a joint set of proposed instructions on substantive issues of law  
10 arranged in a logical sequence. If undisputed, an instruction shall be identified as "Stipulated  
11 Instruction No. \_\_\_\_ Re \_\_\_\_\_," with the blanks filled in as appropriate. If disputed, each  
12 version of the instruction shall be inserted together, back to back, in their logical place in the  
13 overall sequence. Each such disputed instruction shall be identified as, for example, "Disputed  
14 Instruction No. \_\_\_\_ Re \_\_\_\_\_ Offered by \_\_\_\_\_," with the blanks filled  
15 in as appropriate. All disputed versions of the same basic instruction shall bear the same number.  
16 Any modifications to a form instruction must be plainly identified. If a party does not have a  
17 counter version and simply contends that no such instruction in any version should be given, then  
18 that party should so state (and explain why) on a separate page inserted in lieu of an alternate  
19 version. With respect to form preliminary instructions, general instructions, or concluding  
20 instructions, please simply cite to the numbers of the requested instructions in the current edition  
21 of the Ninth Circuit Model Jury Instructions. Other than citing the numbers, the parties shall not  
22 include preliminary, general, or concluding instructions in the packet.

23           3.       File a separate memorandum of law in support of each party's disputed  
24 instructions, if any, organized by instruction number.

25           4.       File a joint set of proposed voir dire questions supplemented as necessary  
26 by separate requests.

27           5.       File trial briefs on any controlling issues of law.

28           6.       File proposed verdict forms, joint or separate.

1           7.       File and serve any objections to exhibits.

2           8.       File a joint simplified Statement of the Case to be read to the jury during  
3 voir dire as part of the proposed jury instructions. Unless the case is extremely complex, this  
4 statement should not exceed one page.

5           B.       Any motions in limine shall be submitted as follows: at least twenty (20) calendar  
6 days before the conference, the moving party shall serve, but not file, the opening brief. At least  
7 ten (10) calendar days before the conference, the responding party shall serve the opposition.  
8 There will be no reply. When the oppositions are received, the moving party should collate the  
9 motion and the opposition together, back-to-back, and then file the paired sets at least seven (7)  
10 calendar days before the conference. Each motion should be presented in a separate memorandum  
11 and properly identified, for example, "Plaintiff's Motion in Limine No. 1 to Exclude . . . ." Each  
12 party is limited to bringing five motions in limine. The parties are encouraged to stipulate where  
13 possible, for example, as to the exclusion of witnesses from the courtroom. Each motion should  
14 address a single, separate topic, and contain no more than seven pages of briefing per side.

15           C.       Hard-copy courtesy copies of the above documents shall be delivered by NOON  
16 the day after filing. The Joint Proposed Final Pretrial Order, jury instructions, and verdict form  
17 shall also be submitted via e-mail as Word attachments to [jsc\\_settlement@cand.uscourts.gov](mailto:jsc_settlement@cand.uscourts.gov). The  
18 Court requests that all hard-copy submissions be three-hole-punched.

19       **V.       PRETRIAL ARRANGEMENTS**

20           A.       Should a daily transcript and/or real-time reporting be desired, the parties shall  
21 make arrangements with Kristen Melen, Supervisor of the Court Reporting Services, at  
22 (415) 522-2079, at least ten (10) calendar days prior to the trial date.

23           B.       During trial, counsel may wish to use overhead projectors, laser-disk/computer  
24 graphics, poster blow-ups, models, or specimens of devices. Equipment should be shared by all  
25 counsel to the maximum extent possible. The Court provides no equipment other than an easel.  
26 The United States Marshal requires a court order to allow equipment into the courthouse. For  
27 electronic equipment, parties should be prepared to maintain the equipment or have a technician

28           hand at all times. The parties shall have extension cords to the court for safety. The parties may

1 work with the deputy clerk, Ada Means (415-522-2015), on all courtroom-layout issues.

## 2 **SCHEDULING**

3 Trial will be conducted from 8:30 a.m. to 2:30 or 3:00 p.m., depending on the availability  
4 of witnesses, Monday through Friday. Counsel must arrive by 8:15 a.m., or earlier as needed, for  
5 any matters to be heard out of the presence of the jury. The jury will be called at 8:30 a.m.

## 6 **THE JURY**

7 The Jury Office asks prospective jurors to complete an online jury questionnaire in  
8 advance of their summons date. The standard questionnaire available on the Northern District's  
9 website at [http://www.cand.uscourts.gov/wp-content/uploads/attorneys/Internet-version\\_Standard-](http://www.cand.uscourts.gov/wp-content/uploads/attorneys/Internet-version_Standard-CAND-Trial_SurveyMonkey_3-2022.pdf)  
10 [CAND-Trial\\_SurveyMonkey\\_3-2022.pdf](http://www.cand.uscourts.gov/wp-content/uploads/attorneys/Internet-version_Standard-CAND-Trial_SurveyMonkey_3-2022.pdf). The parties are allowed to add 10 case specific  
11 questions to the questionnaire. The parties shall meet and confer, and to the extent possible, file a  
12 joint list of proposed questions to add to the questionnaire. To the extent that the parties cannot  
13 agree, they may submit separate proposed questions from which the Court will choose 10. The  
14 parties joint or separate submissions are due 21 days before trial. The Court will provide the  
15 parties with the survey responses the Friday before trial.

16 In civil cases, there are no alternate jurors and the jury is selected as follows: Eighteen to  
17 twenty jurors are called to fill the jury box and the row in front of the bar, and are given numbers  
18 (1 through 20). The remaining potential jurors will be seated in the public benches. Hardship  
19 excuses will usually be considered at this point. Counsel may conduct a limited voir dire.  
20 Challenges for cause will then be addressed out of the presence of the potential jurors. The Court  
21 will consider whether to fill in the seats of the stricken jurors. If so, questions will be asked of the  
22 additional jurors and cause motions as to them will be considered. After a short recess, each side  
23 may exercise its allotment of peremptory challenges out of the presence of the potential jurors.  
24 The eight (or such other size as will constitute the jury) surviving the challenge process with the  
25 lowest numbers become the final jury. If more (or fewer) than eight jurors are to be seated, then  
26 the starting number will be adjusted. So too if more than a total of six peremptories are allowed.  
27 Once the jury selection is completed, the jurors' names will be read again and they will be seated

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