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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

The CALIFORNIA INSTITUTE OF TECHNOLOGY, a California corporation,

Plaintiff,

vs.

BROADCOM LIMITED, BROADCOM CORPORATION, AVAGO TECHNOLOGIES LIMITED, APPLE INC., AND CYPRESS SEMICONDUCTOR CORPORATION

Defendants.

CASE NO. 2:16-cv-3714-GW-AGRx

**STIPULATION AND [PROPOSED] ORDER REGARDING CASE SCHEDULE AND DISCOVERY LIMITS PURSUANT TO CIVIL L.R. 7-1**

# STIPULATION

Pursuant to Civil Local Rule 7-1, Plaintiff the California Institute of Technology ("Caltech") and Defendants Broadcom Limited ("Broadcom Ltd."), Broadcom Corporation ("Broadcom Corp."), and Avago Technologies Limited ("Avago Ltd.") (collectively, "Broadcom"), Apple Inc. ("Apple"), and Cypress Semiconductor Corporation ("Cypress") (collectively, "Defendants") by and through their respective counsel of record hereby stipulate and request that the Court enter an order that memorializes agreements reached by the parties and the Court during the September 26, 2016 Case Management Conference regarding the case schedule and discovery limitations for this action. The parties understand that this stipulation is consistent with the Court's earlier order, and does not alter any dates.

## I. CASE SCHEDULE

The parties agree that the following schedule will apply in this action. The schedule adopts the dates set forth in the Court's September 26, 2016, Minutes Of Scheduling Conference (Dkt. 61) and recognizes that the dates following the Claim Construction Hearing are tentative and will be revisited by the Court following the Claim Construction Hearing.

| Event | Date |
|---|---|
| Fact Discovery Begins | Sept. 5, 2016 |
| Joint 26(f) Report due | Sept. 19, 2016 |
| Case Management Conference | Sept. 26, 2016 |
| Exchange of Initial Disclosures pursuant to Rule 26(a) | Sept. 26, 2016 (Apple/Broadcom)<br>Oct. 10, 2016 (Cypress) |
| Plaintiff to Serve Preliminary Infringement Contentions | Oct. 27, 2016 |
| Defendants to Serve Preliminary Invalidity Contentions | Dec. 22, 2016 |
| Exchange Claim Terms for Construction | Jan. 19, 2017 |
| Deadline to Agree on Terms to be Construed | Feb. 9, 2017 |

| Event | Date |
|---|---|
| Exchange Preliminary Claim Constructions | Feb. 9, 2017 |
| Joint Claim Construction Statement | Feb. 23, 2017 |
| Opening Claim Construction Briefs | March 9, 2017 |
| Responsive Claim Construction Briefs | April 13, 2017 |
| Amendment of Pleadings and Joinder of New Parties | Mar. 31, 2017 |
| Claim Construction Discovery Complete | May 11, 2017 |
| Substantial Completion of Document Production | May 11, 2017[1] |
| Tutorial | May 17, 2017 |
| Claim Construction Hearing | May 18, 2017 |
| Plaintiff to Serve Final Identification of Accused Products | July 21, 2017 |
| Defendants to Serve Final Identification of Prior Art | July 21, 2017 |
| Defendants to Serve Identification of Opinions of Counsel | July 21, 2017 |
| Mediation Deadline | Aug. 9, 2017 |
| Post-Mediation Status Conference | Aug. 10, 2017 |
| Final Infringement Contentions | Aug. 25, 2017 |
| Final Invalidity Contentions | Sept. 15, 2017 |
| Fact Discovery Complete | Aug. 18, 2017[2] |
| Opening Expert Reports (reports for issues on which a party bears the burden of proof) | Sept. 28, 2017 |
| Rebuttal Expert Reports (reports for issues on which a party does not bear the burden of proof) | Oct. 26, 2017 |
| Supplemental Expert Reports (*e.g.*, secondary considerations) | Nov. 9, 2017 |

[1] This date is subject to the parties reaching a separate agreement regarding the production of e-mail.

[2] Caltech reserves the right to seek a brief extension of this deadline to complete all outstanding discovery.

| Event | Date |
|---|---|
| Expert Discovery Complete | Dec. 15, 2017 |
| Summary Judgment and *Daubert* Motions Due[3] | Jan. 12, 2018 |
| Oppositions to Summary Judgment and *Daubert* Motions Due | Feb. 2, 2018 |
| Replies to Summary Judgment and *Daubert* Motions Due | Feb. 16, 2018 |
| Hearing on Summary Judgment and *Daubert* Motions | Mar. 1, 2018 |
| Pretrial Motion Filing Deadline | TBD |
| Pretrial conference | TBD |
| Trial | TBD |

## II. DISCOVERY LIMITATIONS

The parties understand that the following discovery limitations will apply in this action:

**Document Requests**

There are no limitations on the number of document requests than can be served by the parties.

**Interrogatories**

Caltech shall be permitted to serve 15 common interrogatories on all Defendants,[4] 15 individual interrogatories on Broadcom, 15 individual interrogatories on Apple, and 15 individual interrogatories on Cypress.

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[3] The parties understand that they will discuss this date and those that follow amongst themselves and with the Court after the issuance of the Court's *Markman* order.

[4] Common interrogatories may require separate responses from some or all Defendants.

Defendants shall be permitted to serve 15 common interrogatories on Caltech. Each of Broadcom, Apple, and Cypress shall be permitted to serve 15 individual interrogatories on Caltech.

**Requests for Admission**

Caltech may serve 100 requests for admission on each defendant. Each defendant may serve 100 requests for admission on Caltech. This limitation does not apply to the requests for admission to authenticate documents. There is no limit on such requests.

**Party Depositions**[5]

The parties agree that Caltech shall be permitted to take 90 hours of party fact depositions from Broadcom, including depositions of witnesses deposed under Rule 30(b)(6). Caltech shall be permitted to take 50 hours of party fact depositions from Apple, including depositions of witnesses deposed under Rule 30(b)(6). Caltech shall be permitted to take 50 hours of party fact depositions from Cypress, including depositions of witnesses deposed under Rule 30(b)(6).

Defendants shall be permitted to take 80 hours of common party fact depositions from Caltech, including depositions of witnesses deposed under Rule 30(b)(6). Broadcom, Apple, and Cypress shall each be permitted to take 20 hours of individual party fact depositions from Caltech, including depositions of witnesses deposed under Rule 30(b)(6).

**Third-Party Depositions**

The number and/or hours of third-party depositions may be agreed upon by the parties as reasonably necessary at a later time.

[5] Any party may seek relief from the magistrate judge if the party believes another party is utilizing the proposed number of hours in a burdensome manner.

**IT IS SO STIPULATED.**

DATED: October 1, 2016 Respectfully submitted,

By */s/ Todd M. Briggs*

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**FILER'S ATTESTATION**

I, Todd Briggs, am the ECF user whose ID and password were used to file this **STIPULATION AND [PROPOSED] ORDER REGARDING CASE SCHEDULE AND DISCOVERY LIMITS PURSUANT TO CIVIL L.R. 7-1**. Pursuant to L.R. 5-4.3.4(a)(2), I hereby attest that Brian W. Nolan concurred in the filing of this document.

*/s Todd M. Briggs*