United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

XILINX, INC.,

Plaintiff(s),

v.

INTELLECTUAL VENTURES I LLC, et. al.,

Defendant(s).

_____/

Case No. 5:11-cv-00671 EJD
Case No. 5:11-cv-04407 EJD

PATENT SCHEDULING ORDER

These cases are scheduled for a case management conference on June 15, 2012. Based on the parties' Joint Case Management Statement (See Docket Item Nos. 146 in 5:11-cv-00671 EJD and 98 in 5:11-cv-04407 EJD), the court has determined a schedule for the case can be set without the necessity of an appearance at this time. Accordingly, the Case Management Conference is VACATED, and

IT IS HEREBY ORDERED that the court adopts the parties' statement of disputed factual and legal issues as set forth in the Case Management Statement.

IT IS FURTHER ORDERED that the deadline for joinder of any additional parties, or other amendments to the pleadings, is July 27, 2012.

IT IS FURTHER ORDERED that the following modifications are made to the presumptive limits on discovery set forth in the Federal Rules of Civil Procedure:

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Expert witnesses may be deposed for a total of seven hours per expert. If any technical expert offers an opinion on more than one patent, an additional four hours of deposition shall be allowed for each patent.

For fact witnesses, each side shall be allowed a total of 140 hours of deposition time absent a showing of good cause that additional time is necessary. Absent agreement of the parties or further court order, each fact witness may be deposed only once per side and for no more than seven total hours regardless of which party is taking the deposition.

IT IS FURTHER ORDERED that any disputes with respect to discovery or disclosure are referred to the assigned Magistrate Judge. Any disputes regarding any party's Patent Disclosures—including any request to amend pursuant to Patent L.R. 3-6—are likewise referred to the assigned Magistrate Judge.

IT IS FURTHER ORDERED that the parties shall participate in mediation as previously ordered.

IT IS FURTHER ORDERED that the following schedule shall apply to BOTH CASES:

EVENT	**DEADLINE**
Invalidity Contentions (see Patent L.R. 3-3, 3-4, and 3-5) *(≈45 days after the Infringement Contentions)*	June 29, 2012
Exchange of Proposed Terms for Construction (see Patent L.R. 4-1) *(≈14 days after Invalidity Contentions)*	July 30, 2012
Exchange of Preliminary Claim Constructions and Extrinsic Evidence (see Patent L-R 4-2) *(≈21 days after Proposed Terms for Construction)*	August 29, 2012
Joint Claim Construction and Prehearing Statement (see Patent L.R. 4-3) *(≈60 days after the Invalidity Contentions)*	September 12, 2012
Joint Case Management Statement for Interim Conference *(The Statement shall, among other things, update the court on the parties' readiness for the Markman hearing)*	September 21, 2012
Interim Case Management Conference	10:00 a.m. on September 28, 2012
Close of Claim Construction Discovery (see Patent L.R. 4-4) *(≈30 days after the Joint Claim Construction and Prehearing Statement)*	November 9, 2012

Opening Claim Construction Briefs (Defendant's Opening Brief for patents with infringement counterclaims, Plaintiff's Opening Brief for patents without infringement counterclaims) (see Patent L.R. 4-5) (*≈45 days after the Joint Claim Construction and Prehearing Statement)*	December 24, 2012
Responsive Claim Construction Briefs (see Patent L.R. 4-5) (*≈14 days after Opening Brief)*	Janauary 23, 2013
Reply Claim Construction Briefs (see Patent L.R. 4-5) (*≈7 days after Responsive Brief)*	February 22, 2013
Case Tutorial (see Standing Order for Patent Cases)	9:00 a.m. on March 26, 2013
Claim Construction Hearing (see Standing Order for Patent Cases)	Immediately following Tutorial

IT IS FURTHER ORDERED that the parties shall read and comply with the Standing Order re Pretrial Preparation, a copy of which is available from the Clerk of the Court,[1] with regard to the timing and content of the Joint Preliminary Pretrial Conference Statement and all other pretrial submissions.

IT IS FURTHER ORDERED that the parties shall read and comply with the Standing Order for Patent Cases, a copy of which is available from the Clerk of the Court,[2] with regard to a variety of issues unique to patent cases.

IT IS SO ORDERED.

Dated: June 13, 2012

EDWARD J. DAVILA
United States District Judge

[1] Judge Davila's standing orders are also available on the court's website at www.cand.uscourts.gov/ejdorders.