

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHROMACODE INC., et al.,

Plaintiffs,

v.

BIO-RAD LABORATORIES, INC.,

Defendant.

Case No. [5:23-cv-06360-EJD](#)

PATENT SCHEDULING ORDER

This case is scheduled for a case management conference on March 14, 2024. Based on the parties' Joint Case Management Statement, the Court has determined a schedule for the case can be set without the necessity of an appearance at this time. Accordingly, the March 14, 2024 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 sixty days after entry of this order. The parties are instructed to comply with Federal Rule of Civil Procedure 15 in seeking joinder of parties or amendments to the pleadings prior to expiration of the deadline. Amendments sought after the deadline must comply with Federal Rule of Civil Procedure 16.

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.

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 meet and confer further in order to reach an agreement on an ADR process within 10 days of the issuance of this order. Within that same timeframe, the parties shall either (1) file the form entitled “Stipulation and (Proposed) Order Selecting ADR Process” if an agreement is reached, or (2) file the form entitled “Notice of Need of ADR Phone Conference.”

IT IS FURTHER ORDERED that the following schedule shall apply to this case:

EVENT	DEADLINE
Infringement Contentions (<u>see</u> Patent L.R. 3-1, 3-2, and 3-5) <i>≈14 days after the Initial Case Management Conference</i>	March 21, 2024
Invalidity Contentions (<u>see</u> Patent L.R. 3-3, 3-4, and 3-5) <i>≈45 days after the Infringement Contentions</i>	April 29, 2024
Exchange of Proposed Terms for Construction (<u>see</u> Patent L.R. 4-1) <i>≈14 days after Invalidity Contentions</i>	May 10, 2024
Exchange of Preliminary Claim Constructions and Extrinsic Evidence (<u>see</u> Patent L-R 4-2) <i>≈21 days after Proposed Terms for Construction</i>	May 17, 2024
Damages Contentions (<u>see</u> Patent L.R. 3-8) <i>≈50 days after the Invalidity Contentions</i>	May 22, 2024
Joint Claim Construction and Prehearing Statement (<u>see</u> Patent L.R. 4-3) <i>≈60 days after the Invalidity Contentions</i>	May 24, 2024
Joint Case Management Statement for Interim Conference (<i>The Statement shall, among other things, update the court on the parties’ readiness for the Markman hearing</i>)	April 10, 2024
Interim Case Management Conference	April 18, 2024, at 10 a.m.

United States District Court
Northern District of California

1	Responsive Damages Contentions (<u>see</u> Patent L.R. 3-9) <i>≈30 days after the Damages Contentions</i>	June 19, 2024
2		
3	Completion of Claim Construction Discovery (<u>see</u> Patent L.R. 4-4) <i>≈30 days after the Joint Claim Construction and Prehearing Statement</i>	May 31, 2024
4		
5		
6	Opening Claim Construction Brief (<u>see</u> Patent L.R. 4-5(a)) <i>≈45 days after the Joint Claim Construction and Prehearing Statement</i>	June 7, 2024
7		
8		
9	Responsive Claim Construction Brief (<u>see</u> Patent L.R. 4-5(b)) <i>≈14 days after Opening Brief</i>	June 21, 2024
10		
11	Reply Claim Construction Brief (<u>see</u> Patent L.R. 4-5(c)) <i>≈7 days after Responsive Brief</i>	June 28, 2024
12		
13	Case Tutorial (<u>see</u> Standing Order for Patent Cases)	9:00 a.m. on July 18, 2024
14		
15	Claim Construction Hearing (<u>see</u> Patent L.R. 4-6 and Standing Order for Patent Cases)	Following Tutorial
16		
17	Advice of Counsel (<u>see</u> Patent L.R. 3-7)	30 days after Claim Construction Order
18		
19	Fact Discovery Cutoff	November 1, 2024
20		
21	Joint Trial Setting Conference Statement	November 8, 2024
22		
23	Trial Setting Conference	11:00 a.m. on November 21, 2024
24		
25	Designation of Opening Experts with Reports	December 9, 2024
26		
27	Designation of Rebuttal Experts with Reports	January 21, 2025
28		
	Expert Discovery Cutoff	February 20, 2025
	Deadline(s) for Filing Discovery Motions	<u>See</u> Civil Local Rule 37-3

Deadline for Filing Dispositive and <i>Daubert</i> Motions Motions ¹	February 18, 2025
Oppositions to Dispositive and <i>Daubert</i> Motions	March 10, 2025
Replies to Dispositive and <i>Daubert</i> Motions	March 24, 2025

IT IS FURTHER ORDERED that the parties shall read and comply with the Standing Order for Civil Cases, a copy of which is available from the Clerk of the Court,² with regard to the timing and content of the Joint Trial Setting 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: March 7, 2024


EDWARD J. DAVILA
United States District Judge

¹ This is the last date for *filing* dispositive motions. The actual hearing on the motion may be noticed for a date subsequent after contacting Judge Davila's courtroom deputy.

² Judge Davila's standing orders are also available on the court's website at www.cand.uscourts.gov/ejdorders.