

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	2:15-CV-4424 AG (AJWx)	Date	June 13, 2017
Title	ATEN International Co., Ltd. v. Uniclass Technology Co., Ltd., et al.		

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Present: The Honorable	ANDREW J. GUILFORD
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Not Present

Not Present

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Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: [IN CHAMBERS] ORDER RE TRIAL TIMING, TRIAL PROCEDURE, AND REMAINING MOTIONS IN LIMINE**

This Order concerns issues discussed during the Final Pretrial Conference held on June 5, 2017, **including trial timing and motions *in limine***, and provides additional guidance on trial procedure. **The Court's calendar can't now accommodate a trial beginning on June 20, 2017 and lasting as long as requested by the parties. The trial is rescheduled now for July 25, 2017.**

**1. FINAL PRETRIAL CONFERENCE ORDER AND GENERAL MATTERS**

As the Court stated, it has signed the Final Pretrial Conference Order. The parties are ordered to meet and confer in good faith on stipulations and other matters to shorten time.

**2. TRIAL TIMING**

Trial times generally are 9:00 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m., Tuesday through Thursday, and 8:00 a.m. to 1:30 p.m. on Friday, with the chance of going longer on some days when necessary. The trial in this case will start on Tuesday, July 25, 2017 at 9:00 a.m.

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**3. TRANSCRIPT TESTIMONY**

Any transcript testimony that must be reviewed by the Court for objections, counter-designations, etc., shall be submitted as early as possible.

**4. JURY SELECTION PROCEDURE**

The Court will use the Arizona Blind Strike Method of jury selection.

**5. TRIAL PROCEDURES**

As explained in the Court's standard scheduling order, available on its website, the parties are ORDERED to adhere to the following procedures.

**5.1 Parties' Statements of the Case**

As discussed at the Pretrial Conference, the Parties will make a brief two-minute, non-argumentative statement to the jury at the beginning of Voir Dire.

**5.2 Voir dire**

The Court will question jurors concerning standard topics. Any special questions or topics requested to be put to prospective jurors by the Court on voir dire shall be filed and served timely. As ordered by the Court at the Pretrial Conference, the parties have submitted two Witness Lists the Court will read to the jury at Voir Dire.

**5.3 Jury instructions**

The Court uses instructions from the Federal Circuit Bar Association Model Patent Jury Instructions, following all the Local Rules at Local Rule 51 *et seq.* **At least seven days before trial**, the parties shall file with the Court the following:

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- A joint set of jury instructions on which there is agreement. (Plaintiff has the burden of preparing the joint set of jury instructions.)
- Each party's proposed jury instructions which are objected to by any other party. And for every disputed jury instruction, the following subsections: (1) The text of each competing instruction, presented side-by-side in a chart; (2) A redline comparison of the competing instructions; (3) Plaintiffs' points and authorities; and (4) Defendant's points and authorities.

**The failure to timely follow these rules on jury instructions may be deemed a withdrawal of any right to submit instructions.**

#### **5.4 Special Verdict**

If any special forms of verdict are requested, they shall be prepared, filed, and served under Local Rules 49-1 and 49-2.

#### **5.5 Exhibits**

COUNSEL SHOULD LIMIT THE NUMBER OF TRIAL EXHIBITS SUBMITTED FOR THE TRIAL. Ideally, at least 80% of the trial exhibits submitted should be properly offered into evidence at trial. Unless an electronic alternative is approved by the Court, the parties shall prepare an original set and a copy set of trial exhibits in 3-ring binders, each tabbed down the right side with the exhibit number, prefaced by an index of each exhibit, following Local Rule 26-3 in numbering exhibits. If voluminous exhibits will be delivered to the Court's loading dock, the delivery should be coordinated **before trial** with the Courtroom Deputy Clerk at AG\_chambers@cacd.uscourts.gov.

#### **5.6 Submission at trial**

The parties shall submit the following to the Courtroom Deputy Clerk on the first day of trial:

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- (1) The original exhibits binder set with the Court's exhibit tags attached and filled out showing the case number, case name, and exhibit number. (Exhibit tags must be attached so as not to cover exhibit text.)
- (2) The copy exhibit binder set for use by the Judge.
- (3) Three copies of exhibit lists, showing which exhibits may be received into evidence without objection.
- (4) Three copies of witness lists with estimates of the total time on the stand for each witness.
- (5) A transcript or copy of any deposition or other discovery response to be read to the jury, following Local Rule 16-2.7.

**5.7 Witnesses**

If a party runs out of witnesses, the Court may deem that party has rested. A party must keep opposing parties informed about upcoming witnesses, always informing opposing parties of the witnesses for the next court day before 5:00 p.m. of the previous court day. Only one attorney per party shall examine and defend a witness, except in special circumstances.

**5.8 Admission of Exhibits**

When a party thinks an exhibit is admissible and should be admitted, that party should move for its admission.

**5.9 Objections**

Objections should be brief, stating only, "Objection" followed by the specific legal ground such as "Hearsay" or "403."

**5.10 Decorum**

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Trials will be conducted in a dignified manner, following the traditional rules of trial decorum. Show respect for the trial process by being on time. Do not address witnesses over age 14 by their first names. Most examination and argument should be done at the lectern. The Court recognizes that at times it is necessary to enter the well in this courtroom.

**6. MOTIONS IN LIMINE**

The Court rules as follows.

**1. Ruling on Plaintiff's Motions in Limine**

- MIL 1 (Dkt. 308): to preclude unproduced source code: **DENIED**.
- MIL 2 (Dkt. 309): to preclude argument regarding ATEN/Uniclass License Only Includes Three Patents: **DENIED**.
- MIL 3 (Dkt. 294): to exclude expert testimony: **DENIED**.
- MIL 4 (Dkt. 311, 324): to preclude argument regarding forum-shopping: **GRANTED**.
- MIL 5 (Dkt. 312): to exclude expert testimony of Cragun: **DENIED**.

**2. Rulings on Defendant's Motions in Limine**

- MIL 1 (Dkt. 316): to exclude expert opinion and testimony of Jeffrey Snell: **DENIED**.
- MIL 2 (Dkt. 322): to exclude expert opinion and testimony (of Lavian): **DENIED**.
- MIL 3 (Dkt. 369): to exclude claims against Defendants other than Uniclass Technology Co., Ltd.: **DENIED**.
- MIL 4 (Dkt. 373): to exclude any claim or evidence of breach of contract: **GRANTED IN PART**. Plaintiff is precluded from arguing that Uniclass breached the agreement. But the agreement may be introduced for other purposes, which will be determined on a case-by-case basis at trial.

**7. REPRESENTATIVE AND LINKED PRODUCTS (DKT. 350)**

The parties have reached agreement on the following representative and linked products:

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- (1) **UDV-TA2 representative product**: linked products UDP-TA2; UHV-TA2; USB-TA2.
- (2) **UKA-248 single product**
- (3) **AD-CPO2A representative product**: linked product AD-EP04A.

Regarding the 3 disputed groups:

- (1) **UDV-TA2 representative product**: linked products USB-SP02A/USB-SP04A.

**Resolution:** ATEN may keep these as accused products.

- (2) **Prima T8 representative product**: linked products Prima T4 and T16.

**Resolution:** ATEN may keep this grouping unless the parties agree that the Prima T products are not sold in the United States and cannot infringe.

- (3) **AD-CP02A representative product**: various linked products.

**Resolution:** ATEN may keep this grouping.

For each disputed group, Uniclass is permitted to argue that each accused product is not representative of others and why the accused products, individually or as a group, do not infringe.

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Initials of  
Preparer  
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