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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiffs,
v.
Defendants.

Case No. (SI)

INITIAL CASE MANAGEMENT
GUIDELINE AND CLERK'S NOTICE

IT IS HEREBY ORDERED that, pursuant to Rule 16(b), Federal Rules of Civil Procedure, and Civil L.R. 16-10, a Case Management Conference will be held in this case before the Honorable Susan Illston on _____ at 2:30 p.m. in Courtroom No. 1, 17th floor, Federal Building.

Plaintiff(s) shall serve copies of this Order at once on all parties to this action, and on any parties subsequently joined, in accordance with the provisions of Fed. R. Civ. P. 4 and 5. Following service, plaintiff(s) shall file certificate of service with the Clerk of this Court.

Counsel are directed to confer in advance of the Case Management Conference. Not less than seven days before the conference, counsel shall file a joint case management statement in compliance with the Civil Local Rules and the Standing Order for All Judges of the Northern District of California. Failure to file a joint statement shall be accompanied by a signed declaration setting forth the grounds for such failure. Failure to show good cause for such failure may subject the parties to sanctions.

Each party shall be represented at the Case Management Conference by counsel prepared to address all of the matters referred to in this Order, and with authority to enter stipulations and make admissions pursuant to this Order. The parties are encouraged to

1 attend.

2 Any request to reschedule the above dates should be made in writing, and by
3 stipulation, if possible, not less than ten days before the conference date. Good cause
4 must be shown.

5 At the case management conference the parties should be prepared to address
6 and resolve the following: setting the date and the estimated length of the trial; setting the
7 date for discovery cutoff; setting the date to designate experts and other witnesses; and
8 setting the date for the pretrial conference.

9 Patent Cases: Counsel in patent cases shall include the following information in
10 their joint case management statements (initial and further) and shall come to the CMC
11 prepared to discuss: (1) whether any terms of the patents-in-suit have been or are being
12 construed by any adjudicating body, either previously or currently; and (2) whether there
13 are any plans to file a petition for IPR, to file for ex parte reexamination, or to initiate
14 proceedings before the U.S. International Trade Commission.

15 Standing Orders: All parties shall comply with the Standing Order for All Judges of
16 the Northern District of California concerning the contents of the joint case management
17 conference statement and Judge Illston's Standing Order.

18 Failure to comply with this Order or the Local Rules of this Court may result in
19 sanctions. See Fed. R. Civ. P. 16(f), Civil L.R. 1-4.

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21 NOTICE TO PRO SE LITIGANTS IN NON-PRISONER ACTIONS:

22 If you are proceeding in this lawsuit without an attorney, and have not been
23 granted leave to proceed in *forma pauperis*, then the following directives apply to you in
24 the prosecution of your case.

25 The court hereby ORDERS you to comply with the service requirements of Rule 4
26 of the Federal Rules of Civil Procedure as set forth below. Failure to follow the
27 procedures set forth in this order may result, under Rule 4(m), in dismissal of your case.

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1 It is your responsibility to obtain a valid summons from the clerk and to effect
2 service of the summons and complaint on all defendants in accordance with Rule 4 of the
3 Federal Rules of Civil Procedure. If you have named the United States government, a
4 federal agency, a federal official or a federal employee as a defendant, you must comply
5 with the special requirements of Rule 4(i).

6 Service may be effected by any person who is not a party and who is at least 18
7 years of age, which means that you, as a party, may not effect service. If service of the
8 summons and complaint is not made upon a defendant within 120 days after the filing of
9 the complaint, your action will, under Rule 4(m), be dismissed as to that defendant.

10 Within 125 days after the filing of the complaint, you must file proof of service
11 indicating which defendants were served within the 120 days allowed under Rule 4(m)
12 and showing, in accordance with Rule 4(i), how each of those defendants was served (for
13 example, by attaching appropriate certificates of service). You must also show cause
14 why a defendant not served within the 120 days allowed under Rule 4(m) should not be
15 dismissed without prejudice.

16 Failure to do these things within the designated time will result in the dismissal of
17 your case under Rule 4(m) and Rule 41(b).

18 For additional information on procedures for litigating in Federal Court, pro se
19 litigants are encouraged to contact the Court's Legal Help Center 415-782-8982 or sign
20 up for an appointment with the Center at 450 Golden Gate Avenue, 15th Floor, Room
21 2796, San Francisco, CA 94102.

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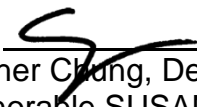
23 Dated:

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Susan Y. Soong
Clerk, United States District Court

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By: 
Esther Chung, Deputy Clerk to the
Honorable SUSAN ILLSTON
415 522-2028

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