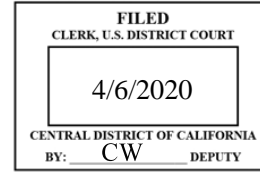


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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

Case No. 2:19-cv-09474 JAK (Ex)

LG Electronics Inc.,

*Plaintiff,*

vs.

Hisense Electronics Manufacturing  
Company of America Corporation;  
HISENSE USA CORPORATION;  
HISENSE INTERNATIONAL (HONG  
KONG) AMERICA INVESTMENT  
CO., LIMITED (f/k/a HISENSE  
INTERNATIONAL AMERICA  
HOLDINGS CO., LIMITED); HISENSE  
INTERNATIONAL (HK) CO.,  
LIMITED; Hisense International Co.  
Ltd.; Qingdao Hisense Electronics Co.  
Ltd. (f/k/a Hisense Electric Co., Ltd.);  
and Hisense Co., Ltd.,

*Defendants.*

**ORDER REGARDING JOINT  
STIPULATION FOR ORDER  
FOCUSING PATENT CLAIMS AND  
PRIOR ART (DKT. 42)**

1 Based on a review of the Joint Stipulation filed by the parties requesting an  
2 Order Focusing Patent Claims and Prior Art, sufficient good cause has been shown for  
3 the requested relief. Dkt. 42. Therefore, it is hereby ordered as follows:

4 1. The Joint Stipulation is **GRANTED**.

5 2. This Order supplements all other discovery rules and orders. It  
6 streamlines the issues in this case to promote a “just, speedy, and inexpensive  
7 determination” of this action, as provided by Federal Rule of Civil Procedure 1.  
8

9 ***Phased Limits on Asserted Claims and Prior Art References***

10 3. By the date set for completion of claim construction discovery pursuant  
11 to P.R. 4-4 [currently July 29, 2020, *see* ECF No. 37 at 1:27], the patent claimant shall  
12 serve a Preliminary Election of Asserted Claims, which shall assert no more than ten  
13 claims from each patent and not more than a total of 32 claims. Not later than 14 days  
14 after service of the Preliminary Election of Asserted Claims [currently August 5,  
15 2020, *see* ECF No. 37 at 2:5], the patent defendant shall serve a Preliminary Election  
16 of Asserted Prior Art, which shall assert no more than twelve prior art references  
17 against each patent and not more than a total of 40 references.<sup>1</sup>

18 4. No later than 35 days before the service of expert reports by the party  
19 with the burden of proof on an issue [currently, January 13, 2021, *see* ECF No. 37 at  
20 3:6], the patent claimant shall serve a Final Election of Asserted Claims, which shall  
21 identify no more than five asserted claims per patent from among the ten previously  
22 identified claims and no more than a total of 16 claims. By the date set for the service  
23 of expert reports by the party with the burden of proof on an issue [currently, February  
24 16, 2021, *see* ECF No. 37 at 3:13], the patent defendant shall serve a Final Election of  
25 Asserted Prior Art, which shall identify no more than six asserted prior art references

26 \_\_\_\_\_  
27 <sup>1</sup> For purposes of this Order, a prior art instrumentality (such as a device or  
28 process) and associated references that describe that instrumentality shall count as one  
reference, as shall the closely related work of a single prior artist.

1 per patent from among the twelve prior art references previously identified for that  
2 particular patent and no more than a total of 20 references. For purposes of this Final  
3 Election of Asserted Prior Art, each obviousness combination counts as a separate  
4 prior art reference.

5 5. If the patent claimant asserts infringement of only one patent, all per-  
6 patent limits in this order are increased by 50%, rounding up.

7  
8 ***Modification of this Order***


9 6. Subject to Court approval, the parties may modify this Order by  
10 agreement, but should endeavor to limit the asserted claims and prior art references to  
11 the greatest extent possible. Absent agreement, post-entry motions to modify this  
12 Order's numerical limits on asserted claims and prior art references must demonstrate  
13 good cause warranting the modification. Motions to modify other portions of this  
14 Order are committed to the sound discretion of the Court.<sup>2</sup>

15  
16 ***Ongoing Good-Faith Efforts to Streamline Case***

17 7. The parties should endeavor to continue to narrow the issues in dispute,  
18 including the asserted claims and prior art, beyond the limits provided in this Order, in  
19 advance of trial.

20  
21 IT IS SO ORDERED.

22 Dated: April 6, 2020



23 \_\_\_\_\_  
24 John A. Kronstadt  
25 United States District Judge

26 \_\_\_\_\_  
27 <sup>2</sup> This Order anticipates the issues may be further narrowed by the parties and the  
28 Court during pretrial proceedings as part of trial management, and to facilitate a trial  
that can be completed in a reasonable number of days.