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**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

CRYTEK GMBH,

Plaintiff,

v.

CLOUD IMPERIUM GAMES CORP.
and ROBERTS SPACE INDUSTRIES
CORP.,

Defendants.

Case No. 2:17-cv-08937-DMG-FFM

**JOINT STIPULATION FOR THE
CONTINUANCE OF TRIAL AND
RELATED DATES**
**[Filed concurrently with Proposed
Order]**

Judge: Hon. Dolly M. Gee

Pursuant to Local Rules 7-1 (Stipulations) and 40-1 (Continuances), Plaintiff Crytek GmbH (“Crytek”) and Defendants Cloud Imperium Games Corporation and Roberts Space Industries Corporation (together, “CIG”), by and through their undersigned counsel, hereby stipulate and agree to jointly request that the Court continue the present trial date of March 24, 2020 by approximately 3 months, to June 16, 2020, and to continue the related dates set in the Court’s March 7, 2019 Schedule of Pretrial & Trial Dates [ECF 55-1] as follows:

1. Crytek filed its initial complaint on December 12, 2017 [ECF 1] and its First Amended Complaint (“FAC”) on January 2, 2018 [ECF 18]. On January 5, 2018, CIG moved to dismiss the FAC. ECF 19.

2. CIG moved to stay discovery while its motion to dismiss was pending. ECF 29. On April 17, 2018, Magistrate Judge Mumm denied the motion to stay as moot, holding that the Court’s Standing Order did not require the parties to engage in discovery until the Court issued a Scheduling Order. ECF 34.

3. On August 14, 2018, the Court granted in part and denied in part CIG’s motion to dismiss the FAC. ECF 38.

4. On August 16, 2018, Crytek filed its Second Amended Complaint (“SAC”). ECF 39. CIG moved to dismiss the SAC on September 6, 2018. ECF 42.

5. Also on September 6, 2018, the Court set a Scheduling Conference for October 12, 2018. ECF 43. In anticipation of that conference, on September 28, 2018, the parties filed a Joint 26(f) report requesting a trial date of March 24, 2020, with associated pre-trial deadlines. ECF 46. On October 11, 2018, the Court vacated the Scheduling Conference. ECF 48.

6. On December 6, 2018, the Court granted CIG’s motion to dismiss the SAC, granting Crytek one final opportunity to amend. ECF 49. On January 16, 2019, Crytek gave notice that it would not further amend the SAC. ECF 52. CIG answered the SAC on February 6, 2019. ECF 53.

1 7. On March 7, 2019, the Court entered the Scheduling Order, which set
2 the trial for the March 24, 2020 date the parties previously proposed on September
3 28, 2018. ECF 55.

4 8. On March 29, 2019, CIG filed its motion for a bond pursuant to Cal.
5 Civ. P. Code § 1030. ECF 57. On April 5, 2019, the Court entered an order upon a
6 stipulation between the parties setting a briefing schedule on the bond motion and
7 staying CIG's discovery obligations until the earliest of 30 days after (a) Crytek's
8 compliance with an order granting CIG's bond motion; (b) the Court's entry of an
9 order denying the motion for bond; or (c) August 27, 2019. ECF 59.

10 9. On May 29, 2019, while CIG's bond motion was still pending, Crytek
11 substituted its former counsel from the Skadden firm with its current counsel of
12 record. ECF 64, 65, 67, 68, 69, 77.

13 10. On July 18, 2019, the parties participated in a Settlement Conference
14 before Magistrate Judge MacKinnon. ECF 80. The case did not settle. *Id.*

15 11. On July 22, 2018, the Court granted CIG's bond motion, ordering
16 Crytek to deposit a bond in the amount of \$500,000. ECF 81.

17 12. On August 6, 2019, the parties submitted a Stipulated Protective Order
18 for the Court to enter. ECF 83. To date, the Court has not entered the Stipulated
19 Protective Order.

20 13. On August 19, 2019, Crytek posted a cashier's check in lieu of the bond.
21 ECF 84.

22 14. Following the Settlement Conference, the parties have worked
23 cooperatively and in good faith to narrow the issues in this case and to streamline
24 discovery. However, although this case was filed on December 12, 2017, due to the
25 unusual manner this litigation has unfolded (including multiple amendments to the
26 pleadings, the motion for a bond, the absence of a protective order, and the *de facto*
27 stays of discovery discussed above), and despite the parties' best efforts, the
28 discovery and trial schedule set by the Court on March 7, 2019 does not give the

1 parties enough time to complete fact and expert discovery, file dispositive motions,
2 and prepare this case for trial. Good cause therefore exists for a continuance of the
3 trial date and of the related dates set in the Court's March 7, 2019 Schedule of
4 Pretrial & Trial Dates.

5 15. Moreover, the remaining claims in this case require extensive computer
6 code review that involves both non-expert and expert discovery. The completion of
7 this code review is crucial to the parties' abilities to bring any dispositive motions.
8 Thus, good cause exists to adjust the current schedule to allow the parties to complete
9 both non-expert and expert discovery prior to the dispositive motion cut-off date.

10 16. This is the parties' first request for a continuance of the trial date and
11 associated pre-trial deadlines in this case.

12 Based on the foregoing, the parties jointly request that the Court continue the
13 current March 24, 2020 trial date to **Tuesday, June 16, 2020** or an alternative date
14 convenient for the Court, the parties, and their counsel.¹

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28 ¹ Please note that counsel for CIG will be out of the country and unavailable for
pre-trial and trial during the month of July 2020.

The parties further jointly request that the Court continue the related dates set in the Court's March 7, 2019 Schedule of Pretrial & Trial Dates as follows:

MATTER	TIME COMPUTATION	JOINTLY REQUESTED DATE
Trial		June 16, 2020 8:30 am
Final Pretrial Conference (FPTC)	5 weeks before trial ²	May 12, 2020 2:00 pm
Amended Pleadings and Addition of Parties Cut-Off (includes hearing of motions to amend)	90 days after scheduling conference	N/A
Early Mediation Deadline		
Joint Report re Results of Early Mediation		N/A
Non-Expert Discovery Cut-Off (includes hearing of discovery motions)	at least 14 wks before FPTC	Feb. 4, 2020
Non-Dispositive Motion Cut-Off (filing deadline)	at least 13 wks before FPTC	Feb. 21, 2020
Dispositive Motion Cut-Off (filing deadline)	4 wks after Rebuttal Expert Disclosure & Report Deadline	March 31, 2020
Initial Expert Disclosure & Report Deadline	at least 9 wks before FPTC	Feb. 4, 2020
Rebuttal Expert Disclosure & Report Deadline	at least 5 wks before FPTC	Mar. 3, 2020
Expert Discovery Cut-Off (includes hearing of discovery motions)	at least 3 wks before FPTC	Apr. 21, 2020
Second Settlement Conference Completion Date	at least 4 wks before FPTC	Apr. 14, 2020
Motions in Limine Filing Deadline	at least 3 wks before FPTC	Apr. 21, 2020
Opposition to Motion in Limine Filing Deadline	at least 2 wks before FPTC	Apr. 28, 2020
Joint Status Report re Settlement		Apr. 21, 2020
Proposed Pretrial Conference Order		Apr. 21, 2020

² While counsel understands that the FPTC date is typically calculated as 4 weeks before trial, due to counsel for Crytek being out of the country, the parties respectfully request that it be held 5 weeks before trial.

Contentions of Fact/Law		Apr. 21, 2020
Pretrial Exhibit Stipulation		Apr. 21, 2020
Joint Exhibit List		Apr. 21, 2020
Witness Lists & Joint Trial Witness Time Estimate Form		Apr. 21, 2020
Agreed Statement of the Case		Apr. 21, 2020
Proposed Voir Dire Questions		Apr. 21, 2020
Joint Statement of Jury Instructions & Joint Statement of Disputed Instructions		Apr. 21, 2020
Verdict Forms		Apr. 21, 2020

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: 9/11/19

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DATED: 9/11/19

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IMPERIUM GAMES CORP. and

ROBERTS SPACE INDUSTRIES CORP

ATTESTATION

Pursuant to Central District Local Rule 5-4.3.4(a)(2)(i), the filer of this document hereby attests that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized this filing.