

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

H & M GOPHER CONTROL, et al.,
Plaintiffs,
v.
BENCHMARK PEST CONTROL, INC., et al.,
Defendants.

Case No.: 1:17-CV-1700- JLT
**ORDER SETTING FURTHER SCHEDULING
CONFERENCE**

At the time set for the scheduling conference, the Court and counsel discussed how to most efficiently move this case forward. Thus, rather than fully scheduling the case, the Court set deadlines to address preliminary issues. Thus, the Court **ORDERS**:

1. The parties **SHALL** make their initial disclosures no later than **May 22, 2018**. In addition to the requirements of Fed.R.Civ.P. 26, the defendant **SHALL** disclose information related to the number of machines at issue and the financial data associated therewith;
2. **No later than May 22, 2018**, the defendant’s counsel **SHALL** provide the plaintiff’s counsel with its informal brief re: the claim construction. **No later than June 22, 2018**, the plaintiff’s counsel **SHALL** provide an informal brief to opposing counsel setting forth its position as to the claim construction and addressing the points raised by the defendant. The defendant **SHALL** provide its informal reply brief to the plaintiff’s counsel by **July 6, 2018**. The purpose of the informal briefs is to attempt to resolve disputes related to the claim construction.

1 The Court anticipates that all such issues will be raised in the informal briefs and there will be no
2 surprises in the formal briefs related to the claim construction motion;

3 3. The Court sets a further scheduling conference on **August 6, 2018** at 9:00 a.m. By
4 **July 30, 2018**, the parties **SHALL** file a joint report setting forth the status of the claims
5 construction issue and identifying where there is agreement and where there is dispute. The report
6 **SHALL** propose dates for the remainder of the schedule, including the earliest date for the filing
7 of the claims construction motion, and discuss whether there is agreement to the Court appointing
8 an expert.

9
10 IT IS SO ORDERED.

11 Dated: April 17, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE