

MIZUHO ORTHOPEDIC SYSTEMS, INC., a Delaware Corporation)	Case No. 13 – CV – 01077 – JSW (KAW)
)	
Plaintiff,)	ORDER ON PLAINTIFF’S MOTION FOR
v.)	LEAVE TO FILE PROPOSED AMENDED
)	PATENT L.R. 3-1 AND 3-2 DISCLOSURE
)	OF ASSERTED CLAIMS AND
STERIS CORPORATION, a Delaware Corporation,)	INFRINGEMENT CONTENTIONS
)	PURSUANT TO PATENT L.R. 3 – 6
Defendant.)	
)	
)	

Except under circumstances not present here, and particularly in the early stage of a lawsuit, the Court grants leave to amend pleadings with “extreme liberality.” See *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003). In this case, the Initial Case Management Conference was held June 21, 2013; beyond the claims construction/Markman hearing the presiding judge has not set any case deadlines; and Plaintiff served its original Disclosure of Asserted Claims & Infringement Contentions on July 12, 2013. The parties have met and conferred concerning affording defendant additional time, if necessary to complete and serve its Patent L.R. 3 – 3 and 3 – 4 Invalidity Contentions. The time for filing any opposition to Plaintiff’s Motion for Leave to Amend the Complaint has elapsed; no opposition was filed. Under the circumstances, the Court can only conclude that no prejudice would result from

1 permitting amendment. The court also finds that Plaintiff has demonstrated good cause to permit
2 the amendment.

3 Plaintiff's Motion for Leave to Amend the Complaint is GRANTED. Plaintiff shall serve
4 its amended Disclosure of Asserted Claims & Infringement Contentions, including any
5 supplement documents under Patent L.R. 3 – 4, by October 15, 2013.

6 IT IS SO ORDERED.

7 Dated: September 30, 2013


KANDIS A. WESTMORE
United States Magistrate Judge