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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KARL STORZ ENDOSCOPY-AMERICA,
INC.,

Plaintiff,

v.

STRYKER CORPORATION, et al.,

Defendants.

Case No. [14-cv-00876-RS](#)

**ORDER DENYING MOTION TO
LIMIT, MOTION FOR LEAVE TO FILE
MOTION FOR RECONSIDERATION
AND MOTION FOR CLARIFICATION**

Karl Storz Endoscopy-America, Inc. (“KSEA”) requests various forms of miscellaneous relief styled as: (i) a motion for leave to file a motion for reconsideration of the August 11, 2016 Case Management Scheduling Order, which requires KSEA to reduce the number of asserted claims or, alternatively, (ii) a motion for clarification that KSEA may assert additional claims on a showing of good cause, and (iii) a motion to limit the number of prior art invalidity theories asserted by Stryker Corporation and Stryker Communications, Inc. (collectively, “Stryker”). These are case management issues. They should be briefed and argued at the next case management conference. As styled, KSEA’s motions are improper and lack merit. First, a motion for reconsideration, under Local Rule 7-9, is meant for contesting substantive legal orders, not scheduling orders. Second, the relief sought by KSEA’s motion for clarification is unnecessary. As Stryker notes, the August 11, 2016 order is a scheduling order and is therefore subject to Federal Rule of Civil Procedure 16. Under that rule, “[a] schedule may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). Thus, the authority for KSEA to seek to modify the order for good cause already exists. Third, the motion to limit prior art references is premature and KSEA provides no justification for resolving this issue outside of the

United States District Court
Northern District of California

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normal case management context.¹ For these reasons, KSEA's motions are denied.

IT IS SO ORDERED.

Dated: November 18, 2016



RICHARD SEEBORG
United States District Judge

¹ The next case management conference is scheduled for March 23, 2017. KSEA argues that these issues should be resolved before expert reports are due, but expert reports are not due until June 2017. In any event, specific scheduling concerns can be discussed at the case management conference.