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 RESTORATION HARDWARE, INC.
 7 RH US, LLC

8
 9 **UNITED STATES DISTRICT COURT**
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11
 12 RESTORATION HARDWARE, INC.,
 a Delaware corporation, and RH US,
 13 LLC, a Delaware limited liability
 company,

14 Plaintiffs,

15 vs.

16 PHX LIGHTING, LLC, a Louisiana
 17 limited liability company,

18 Defendant.

Civil Case No.: 3:15-cv-00918-EDL

**The Honorable Magistrate Judge
 Elizabeth D. Laporte**

**PLAINTIFFS RESTORATION
 HARDWARE, INC. AND RH US,
 LLC'S CASE MANAGEMENT
 STATEMENT AND [PROPOSED]
 ORDER**

19
 20 Plaintiffs Restoration Hardware, Inc. and RH US, LLC (collectively, "RH")
 21 hereby submit this Case Management Statement and Proposed Order pursuant to the
 22 Court's Order Setting Initial Case Management Conference (Doc. No. 5) and Civil
 23 Local Rule 16-9.

24 **1. Jurisdiction and Service:**

25 This Court has subject matter jurisdiction over this action pursuant to 28
 26 U.S.C. §§ 1331 and 1338 because this action involves claims for copyright
 27 infringement arising under the Copyright Act of 1976, as amended, 17 U.S.C. § 101,
 28 et seq., and for patent infringement arising under the Patent Act, 35 U.S.C. § 1, et

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**LEWIS ROCA
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1 seq. Defendant was served on March 24, 2015. (Doc. No. 11.) To date, however,
2 Defendant has not answered or otherwise responded to the Complaint and the time
3 to do so has passed.

4 **2. Facts:**

5 RH is an innovative and popular luxury brand for home furnishings. RH
6 holds design patents for its furniture designs and copyright registrations for
7 photographs of its renowned products. Defendant sells knockoff RH products,
8 violating RH's patents, and is using RH's copyrighted photographs to advertise,
9 promote and sell those knockoffs. After several attempts to resolve this matter with
10 Defendant, to no avail, RH brought this action for damages and other appropriate
11 relief.

12 **3. Legal Issues:**

- 13 • RH's ownership of the patents-in-suit;
- 14 • RH's ownership of its copyrights;
- 15 • Whether Defendant has infringed the patents-in-suit;
- 16 • Whether Defendant has infringed RH's copyrights; and
- 17 • The amount of damages Defendant should pay RH.

18 **4. Pending And Anticipated Motions:**

19 No motions are currently pending. RH expects to file a motion for entry of
20 default and a motion for default judgment.

21 **5. Anticipated Pleading Amendments:**

22 None.

23 **6. Evidence Preservation:**

24 RH's counsel certifies that it has reviewed the Guidelines Relating to the
25 Discovery of Electronically Stored Information. Because Defendant not appeared or
26 contact RH, there has not been a conference held regarding reasonable and
27 proportionate steps taken to preserve electronic evidence. However, RH confirms
28 that it has taken steps to preserve evidence relevant to the issues reasonably evident

1 in this action.

2 **7. Disclosures:**

3 Because Defendant has not appeared, the parties have not conducted a Rule
4 26(f) conference and have not discussed a proposed discovery plan.

5 **8. Discovery:**

6 Because Defendant has not appeared, the parties have not conducted a Rule
7 26(f) conference and have not discussed a proposed discovery plan.

8 **9. Class Actions:**

9 Not applicable.

10 **10. Related Cases:**

11 RH has filed several enforcement actions in this district against other
12 infringers of RH's intellectual property:

- 13 • Restoration Hardware, Inc., et al. v. South Sea Rattan Furniture, Inc.,
14 Case No. 3:15-cv-00891-EDL;
- 15 • Restoration Hardware, Inc. et al. v. Stanislaus Funding, Inc. et al.,
16 Case No. 3:15-00892-EDL;
- 17 • Restoration Hardware, Inc. et al. v. Chicago Wicker & Trading Co.,
18 Case No. 3:15-00894-EDL;
- 19 • Restoration Hardware, Inc., et al. v. Heng Zhong,
20 Case No. 4:15-cv-00937-KAW;
- 21 • Restoration Hardware, Inc., et al. v. HFONC, Inc., et al.,
22 Case No. 4:15-cv-00954-DMR;
- 23 • Restoration Hardware, Inc., et al. v. Light in the Box Ltd.,
24 Case No. 4:15-cv-00924-KAW;
- 25 • Restoration Hardware, Inc., et al. v. Patio Shoppers, Inc.,
26 Case No. 4:15-cv-00936-DMR;
- 27 • Restoration Hardware, Inc., et al. v. PHX Lighting, LLC,
28 Case No. 3:15-cv-00918-EDL;

- Restoration Hardware, Inc. et al. v. Topson Lighting, Ltd.,
Case No. 5:15-cv-00938-HRL; and
- Restoration Hardware, Inc. et al. v. HomeLava Ltd.,
Case No. 3:15-cv-00926-EDL.

In an order dated May 12, 2015, in Restoration Hardware, Inc., et al. v. South Sea Rattan Furniture, Inc., Case No. 3:15-cv-00891-EDL, (Doc. 13) Magistrate Judge Elizabeth D. Laporte determined that the following cases are related under local Civil Rule 3-12:

- Restoration Hardware, Inc., et al. v. South Sea Rattan Furniture, Inc.,
Case No. 3:15-cv-00891-EDL;
- Restoration Hardware, Inc. et al. v. Stanislaus Funding, Inc. et al.,
Case No. 3:15-00892-EDL; and
- Restoration Hardware, Inc. et al. v. Chicago Wicker & Trading Co.,
Case No. 3:15-00894-EDL.

Each of these cases have been assigned to Magistrate Judge Laporte. With respect to the other cases, while RH does not believe they are related cases under Civil Local Rule 3-12 because they involve different defendants selling different products, RH does not oppose assignment to a single judge. See, e.g., EIT Holdings LLC v. Yelp!, Inc., No. C 10–05623 WHA, 2011 WL 2192820, 2 (N.D. Cal. May 12, 2011) (“Given the disparity in defendants, websites, and other disparate issues discussed herein like damages, willfulness, and discovery supervision, it is worth adding that the allegations against each defendant would not be related under our civil local rules even if brought here as separate actions. See Civil L.R. 3–12(a)(2)”).

11. Relief:

RH seeks both injunctive relief and damages under the Copyright Act and the Patent Act. If necessary, RH may opt for statutory damages under the Copyright Act. 17 U.S.C. §504(c).

1 **12. Settlement and ADR:**

2 RH has already attempted to resolve this case informally with Defendant
3 numerous times, without avail. Because Defendant has not appeared, the parties
4 have not engaged in discussions regarding ADR.

5 **13. Consent to Magistrate For All Purposes:**

6 RH has consented to the Magistrate Judge assigned to this case for all
7 purposes.

8 **14. Other References:**

9 This case is not suitable for reference to binding arbitration, a special master,
10 or the Judicial Panel on Multidistrict Litigation.

11 **15. Narrowing of Issues:**

12 Because Defendant has not appeared, the parties have not discussed narrowing
13 the issues.

14 **16. Expedited Trial Procedure:**

15 Because Defendant has not appeared, the parties have not discussed whether
16 this case can be handled under the Expedited Trial Procedures.

17 **17. Scheduling:**

18 Because Defendant has not appeared, the parties have not discussed discovery
19 scheduling.

20 **18. Trial:**

21 RH did not demand a jury trial. RH preliminarily estimates that a bench trial
22 would require between 3 to 5 trial days.

23 **19. Disclosure of Non Party Interested Entities or Persons:**

24 RH has filed its certification of interested entities or persons. Pursuant to
25 Rule 7.1 of the Federal Rules of Civil Procedure, Plaintiffs Restoration Hardware,
26 Inc. and RH US, LLC are each direct or indirect wholly owned subsidiaries of
27 Restoration Hardware Holdings, Inc., a publicly traded Delaware corporation.

28 Pursuant to Civil Local Rule 3-15, the undersigned certifies that, as of this

1 date, other than the named parties, there are no entities or persons who have a
2 financial interest in the subject matter in controversy or in a party to the proceeding,
3 or any other kind of interest that could be substantially affected by the outcome of
4 the proceeding.

5 **20. Professional Conduct:**

6 RH's counsel of record has reviewed the Guidelines for Professional Conduct
7 for the Northern District of California.

8 **21. Other Matters That Would Facilitate a Just, Speedy and**
9 **Inexpensive Disposition of this Matter:**

10 Because of the status of this case, RH requests that the Case Management
11 Conference be continued for sixty (60) days.

12 Respectfully submitted,

13
14 Dated: May 19, 2015

15 By: /s/ Michael J. McCue

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25 RESTORATION HARDWARE, INC.
26 RH US, LLC.
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CASE MANAGEMENT ORDER

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Based on the **PLAINTIFFS RESTORATION HARDWARE, INC. AND RH US, LLC'S CASE MANAGEMENT STATEMENT AND [PROPOSED] ORDER** filed by Plaintiffs on May 19, 2015, the Court hereby continues the Case Management Conference for this case for 60 days until _____ July 21, 2015 at ~~am/pm~~ 10:00 am. All related deadlines under Federal Rules of Civil Procedure 16 and 25 and applicable case management and discovery local rules and standing orders shall be continued to accord with the new conference date.

IT IS SO ORDERED

Dated: May 21, 2015

By: *Elizabeth D. Laporte*
The Honorable Magistrate Judge
Elizabeth D. Laporte

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