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 6 RESTORATION HARDWARE, INC.  
 RH US, LLC  
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 9 **UNITED STATES DISTRICT COURT**  
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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

Civil Case No.: 3:15-cv-00926-EDL

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

13 Plaintiffs,

14 vs.

15 HOMELAVA LIMITED, a foreign  
 16 company,

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

17 Defendant.  
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19 Plaintiffs Restoration Hardware, Inc. and RH US, LLC (collectively, "RH")  
 20 hereby submit this Case Management Statement and Proposed Order pursuant to the  
 21 Court's Order Setting Initial Case Management Conference (Doc. No. 5-1) and Civil  
 22 Local Rule 16-9.

23 **1. Jurisdiction and Service:**

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

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**LEWIS ROCA  
 ROTHGERBER**

1 RH has been unable to effectuate service on Defendant. RH's attempts to  
2 communicate with Defendant informally have also failed. RH has determined  
3 Defendant does not have a U.S. address and is located in Hong Kong. RH is  
4 exploring alternative means of service and will likely file a motion seeking  
5 permission to effect alternative service. RH will address any deadlines in that  
6 request.

7 **2. Facts:**

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

15 **3. Legal Issues:**

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

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

22 No motions currently pending. RH expects to file a motion for alternative  
23 service.

24 **5. Anticipated Pleading Amendments:**

25 None.

26 **6. Evidence Preservation:**

27 RH's counsel certifies that it has reviewed the Guidelines Relating to the  
28 Discovery of Electronically Stored Information. Because Defendant has not been

1 served, there has not been a conference held regarding reasonable and proportionate  
2 steps taken to preserve electronic evidence. However, RH confirms that it has taken  
3 steps to preserve evidence relevant to the issues reasonably evident in this action.

4 **7. Disclosures:**

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

7 **8. Discovery:**

8 Because Defendant has not been served, the parties have not conducted a Rule  
9 26(f) conference and have not discussed a proposed discovery plan.

10 **9. Class Actions:**

11 Not applicable.

12 **10. Related Cases:**

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

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

- 1 • Restoration Hardware, Inc., et al. v. PHX Lighting, LLC,  
2 Case No. 3:15-cv-00918-EDL;
- 3 • Restoration Hardware, Inc. et al. v. Topson Lighting, Ltd.,  
4 Case No. 5:15-cv-00938-HRL; and
- 5 • Restoration Hardware, Inc. et al. v. HomeLava Ltd.,  
6 Case No. 3:15-cv-00926-EDL.

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

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

17 Each of these cases have been assigned to Magistrate Judge Laporte. With  
18 respect to the other cases, while RH does not believe they are related cases under  
19 Civil Local Rule 3-12 because they involve different defendants selling different  
20 products, RH does not oppose assignment to a single judge. See, e.g., EIT Holdings  
21 LLC v. Yelp!, Inc., No. C 10-05623 WHA, 2011 WL 2192820, 2 (N.D. Cal. May 12,  
22 2011) (“Given the disparity in defendants, websites, and other disparate issues  
23 discussed herein like damages, willfulness, and discovery supervision, it is worth  
24 adding that the allegations against each defendant would not be related under our  
25 civil local rules even if brought here as separate actions. See Civil L.R. 3-  
26 12(a)(2)”).

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**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).

**12. Settlement and ADR:**

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

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

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

**14. Other References:**

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

**15. Narrowing of Issues:**

Because Defendant has not been served, the parties have not discussed narrowing the issues.

**16. Expedited Trial Procedure:**

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

**17. Scheduling:**

Because Defendant has not been served, the parties have not discussed discovery scheduling.

**18. Trial:**

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

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

RH has filed its certification of interested entities or persons. Pursuant to

1 Rule 7.1 of the Federal Rules of Civil Procedure, Plaintiffs Restoration Hardware,  
2 Inc. and RH US, LLC are each direct or indirect wholly owned subsidiaries of  
3 Restoration Hardware Holdings, Inc., a publicly traded Delaware corporation.

4 Pursuant to Civil Local Rule 3-15, the undersigned certifies that, as of this  
5 date, other than the named parties, there are no entities or persons who have a  
6 financial interest in the subject matter in controversy or in a party to the proceeding,  
7 or any other kind of interest that could be substantially affected by the outcome of  
8 the proceeding.

9 **20. Professional Conduct:**

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

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

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

16 Respectfully submitted,

17  
18 Dated: May 19, 2015

By: /s/ Michael J. McCue

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RH US, LLC.

**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 10:00 am at am/pm. 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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