

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

GLOBAL TECH LED, LLC, a Florida  
limited liability company

Plaintiff,

v.

Case No: 2:15-cv-553-FtM-29CM

HILUMZ INTERNATIONAL  
CORP., HILUMZ, LLC and  
HILUMZ USA, LLC,

Defendants/Third  
Party Plaintiffs

JEFFREY J. NEWMAN, GARY  
K. MART, GARY K. MART,  
JEFFREY J. NEWMAN, GARY  
K. MART and JEFFREY J.  
NEWMAN,

Third Party Defendants.

/

**ORDER**

Before the Court is Defendants' Motion for Leave to File a Reply to Plaintiff's Response in Opposition to Defendants' Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 ("Motion for Reply," Doc. 72), the parties' Joint Motion for Extension of Time to Complete Claim Construction Discovery and Briefing ("Motion for Extension," Doc. 74) and Unopposed Motion to Strike (Doc. 69). Plaintiff responded in opposition to Motion for Reply. For the reasons set forth below, the motions are granted.

Defendants request leave to file a reply to Plaintiff's Response in Opposition to Defendants' Motion for Sanctions Pursuant to Rule 11 (Doc. 70). Doc. 72 at 1.

Defendants state that Plaintiff filed numerous exhibits and raised several facts to which Defendants seek to respond. *Id.* Defendants also state that they seek to address the conclusory allegations made by Plaintiff. *Id.* Plaintiff responds Defendants have failed to show good cause for the reply, and there is no new law for Defendants to address. Doc. 73 at 3.

“The purpose of a reply brief is to rebut any new law or facts contained in the opposition’s response to a request for relief before the Court.” *Tardif v. People for Ethical Treatment of Animals*, No. 2:09-cv-537-FtM-29SPC, 2011 WL 2729145, at \*2 (M.D. Fla. July 13, 2011). “While parties may ask for leave to file a reply, they must show good cause.” *McDonald v. United States*, No. 3:13-cv-168-J-37MCR, 2013 WL 3901871, at \*1 n.3 (M.D. Fla. July 29, 2013). Additionally, “[t]he district court ha[s] no obligation to consider an argument raised for the first time in the reply brief.” *Tafel v. Lion Antique Investments & Consulting Services*, 459 Fed. App’x 847, 847 (11th Cir. 2012).

Upon due consideration, the Court finds that a brief reply would benefit its review of Defendants’ Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 (Doc. 64), and Defendants have shown good cause for its filing. Defendants shall have up to and including **August 17, 2016** to file a reply of no more than ten (10) pages.

Also before the Court is the parties’ Motion for Extension. The parties seek to extend the deadlines to complete the claim construction discovery, the claim construction briefs, and the responses to the claim constructions briefs. Doc. 74 at 2. The parties state that each party expressed an intent to present expert testimony

and need additional time to complete the claim construction discovery, including the depositions of the expert witnesses. *Id.* Presently, the deadlines are as follows: claim construction discovery – August 1, 2016; parties’ initial claim construction briefs – August 22, 2016; parties’ responses to claim construction briefs – September 6, 2016. *Id.* The parties request to extend each of these deadlines by three weeks.

After review of the Case Management and Scheduling Order in Patent Case (Doc. 56), it does not appear that the requested extension will impact any of the remaining deadlines. The parties also have shown good cause for the extension. Accordingly, the parties’ motion is granted.

The parties also have filed an Unopposed Motion to Strike Exhibit “F” from their Joint Claim Construction Statement (Doc. 68). Doc. 69 at 1. The parties all have agreed that Exhibit “F” should not have been included with the filing, and there was a staff error during the uploading process at the time of filing. *Id.* at 2. Because the parties agree, the Court will strike Exhibit “F” (Doc. 68-8) from the docket.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Defendant’s Motion for Leave to File a Reply to Plaintiff’s Response in Opposition to Defendant’s Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 (Doc. 72) is **GRANTED**. Defendants shall have up to and including **August 17, 2016** to file a reply of no more than ten (10) pages.

2. The Joint Motion for Extension of Time to Complete Claim Construction Discovery and Briefing (Doc. 74) is **GRANTED**. The deadline for the parties to complete claim construction discovery is extended to **August 22, 2016**. The deadline for the parties to file their claim construction briefs is extended to **September 13, 2016**. The parties' responses to the claim construction briefs are due **September 27, 2016**.

3. All other deadlines and directives set forth in the Case Management and Scheduling Order in Patent Case (Doc. 56) remain unchanged.

4. The Unopposed Motion to Strike (Doc. 69) is **GRANTED**. The Clerk is directed to **STRIKE** Exhibit "F" of the Joint Claim Construction Statement (Doc. 68-8).

**DONE** and **ORDERED** in Fort Myers, Florida on this 3rd day of August, 2016.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record