

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BISSELL HOMECARE, INC.,

Plaintiff,

Case No. 1:08-cv-724

v.

Hon. Robert J. Jonker

DYSON, INC.,

Defendant.

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**ORDER**

Pending before the court are two related motions, the plaintiff's motion to compel discovery (docket no. 73) and defendant's motion to compel a better claim chart (docket no. 68). Argument on the motions was heard on two separate days in order to give counsel further time to confer. For the reasons more fully stated on the record at the hearing held January 15, 2010, the motion to compel was **GRANTED** and Bissell was directed to provide revised charts with enhanced clarity to include, if necessary, charts where the product was exploded, the new charts to be furnished to defendant not later than January 29, 2010.

As to plaintiff's motion for discovery, the court determined, for the reasons more fully stated on the record at the January 15, 2010 hearing, the motion was **GRANTED** and defendants were directed to provide the design, conception, development, research and testing documents pertaining to all fourteen accused products (see request no. 5). The court further held that if the parties were able to agree as to three or five exemplary products that might define the scope of the litigation, then discovery on the remaining accused products would not be necessary.

But in the absence of such an agreement, discovery was granted as to all fourteen accused products; provided, however, that defendant was permitted to limit discovery in the first 30 days following the hearing to products 7, 11, 14, 16 and 24, because they were potentially exemplary products and because it might be difficult to produce everything at one time. This procedure would also allow the parties an additional 30 days to see if they could reach an agreement on exemplary products. If not, the remaining discovery was to be produced within 45 days of the hearing.

**IT IS SO ORDERED.<sup>1</sup>**

Dated: April 16, 2010

/s/ Hugh W. Brenneman, Jr.  
HUGH W. BRENNEMAN, JR.  
United States Magistrate Judge

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<sup>1</sup>The purpose of this order is simply to memorialize in writing the rulings made on the record in open court on January 15, 2010.