

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BOARD OF REGENTS OF THE)
UNIVERSITY OF NEBRASKA, and)
UNEMED CORPORATION,)

4:09CV3075

Plaintiffs,)

v.)

AMENDED FINAL PROGRESSION
ORDER

SIEMENS HEALTHCARE)
DIAGNOSTICS, INC.,)

Defendant.)

The parties participated in a telephonic conference with the undersigned magistrate on January 12, 2011 to discuss the progression of this case. Based on counsel’s representations,

IT IS ORDERED that the final progression order (filing no. 33) is amended as follows:

1. Final infringement contentions, (see, U.S. Dist. Ct. Rules E.D. Tex., P.R. 3-6), shall be filed on or before June 10, 2011.
2. Final invalidity contentions and any willfulness disclosures (see, U.S. Dist. Ct. Rules E.D. Tex., P.R. 3-6 & 3-7), shall be filed on or before July 1, 2011.
3. The deadline for disclosure of experts and, unless otherwise agreed, the deadlines for the provision of expert reports are:
 - a. All experts shall be identified on or before May 13, 2011.
 - b. Expert reports shall be served on or before July 29, 2011, as to those issues upon which the disclosing party has the burden of proof; and

- c. Responsive expert reports shall be served on or before August 30, 2011.
4. The discovery and deposition deadline, including the deadline for deposing experts, is October 14, 2011. Motions to compel discovery must be filed at least 15 days prior to the discovery and deposition deadline.
5. The deadline for filing motions to dismiss, motions for summary judgment or motions to exclude expert testimony on Daubert and related grounds is November 4, 2011.
6. The pretrial conference will be held before the undersigned magistrate judge on March 1, 2012 at 11:00 a.m. One hour is allocated to this conference. Counsel shall email a draft pretrial conference order to zwart@ned.uscourts.gov, in either MS Word or WordPerfect format, by 5:00 p.m. on February 29, 2011, and the draft order shall conform to the requirements of the local rules.
7. Motions in limine shall be filed on or before March 12, 2012. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.
8. A jury trial is set to commence on March 19, 2012. No more than ten days are allocated to the trial of this case and counsel shall plan accordingly. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one.

DATED this 13th day of January, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge