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15 UNITED STATES DISTRICT COURT
16 DISTRICT OF NEVADA

17 AEVOE CORP., a California corporation,
18 Plaintiff,
19 vs.
20 AE TECH CO., LTD., a Taiwan corporation,
21 S & F Corporation dba SF PLANET
COMPANY and SF PLANET
22 CORPORATION, a Minnesota corporation, and
GREATSHIELD INC., a Minnesota
23 corporation,
24 Defendants.

Case No. 2:12-cv-00053-GMN -RJJ

STIPULATED AND [PROPOSED]
REVISED SCHEDULING ORDER
PURSUANT TO LOCAL RULE 26-4
(FIRST REQUEST)

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1 Pursuant to Local Rule 26-4, the parties hereby submit their joint stipulation to extend the
2 close of fact discovery and for entry of a revised scheduling order as set forth below.

3 WHEREAS on May 15, 2012, the Court had entered the Stipulated Discovery Plan and
4 Scheduling Order (Dkt. 80), which set forth October 29, 2012, for the close of fact discovery in this
5 case and a trial date to be set by the Court in a different order;

6 WHEREAS on September 4, 2012 (Dkt. 119), the Court set forth January 21, 2014, as the
7 date for jury trial in this case;

8 WHEREAS Aevoe Corp., and the defendant have conferred on coordinating discovery
9 issues, including the coordination and scheduling of eight depositions of foreign witnesses and other
10 domestic witness, and adjusting the current scheduling deadlines in light of such coordination issues
11 and the January 21, 2014 trial date and pending motion to compel discovery;

12 WHEREAS defendants deposed Aevoe's President Jon Lin as a percipient witness and as
13 Aevoe's designated 30(b)(6) witness on May 24, 2012, and July 13, 2013, respectively;

14 WHEREAS Aevoe served a First Set of Interrogatories, Requests for Production of
15 Documents, and Requests for Admission to each of the defendants on June 28, 2012; to which the
16 defendants provided written responses on July 30, 2012, and which are the subject of a pending
17 motion to compel further responses (Dkt. 115, filed August 30, 2012) that has not yet been fully
18 briefed;

19 WHEREAS defendants served a First Set of Requests for Production of Documents on
20 August 22, 2012, with Aevoe's written responses due on September 24, 2012;

21 WHEREAS Aevoe served a Second Set of Interrogatories, Requests for Production of
22 Documents, and Requests for Admission to each of the Defendants on August 31, 2012, with the
23 defendants' respective written responses due on October 1, 2012;

24 WHEREAS on September 7, 2012, Aevoe issued seven subpoenas for the production of
25 documents from third parties;

26 WHEREAS the Parties are coordinating on scheduling and logistical issues concerning as
27 many as 17 depositions, including as many as eight depositions of witnesses in Taiwan;

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1 WHEREAS these depositions cannot be completed within the time limits set by the
2 discovery plan because of the availability of witnesses;

3 WHEREAS the Parties anticipate the need for serving additional written discovery requests,
4 subpoenas, and deposition notices before the close of discovery after the opportunity to review the
5 information gathered in the pending discovery discussed above;

6 WHEREAS the Court's ruling on Aevoe's fully briefed pending motion to strike certain
7 counterclaims and affirmative defenses filed on May 2, 2012 (Dkt. 67, 68, 84, 86) could affect the
8 scope of discovery;

9 WHEREAS on August 14, 2012, defendant AE Tech filed a second Request for Inter Partes
10 Re-examination by the United States Patent and Trademark Office of all claims of the patent in suit,
11 alleging that those claims are unpatentable in light of prior art. If that Patent Examiner finds that the
12 Request demonstrates that there is a reasonable likelihood that Requestor will prevail with respect to
13 at least one of the claims challenged in the Request, the Patent Examiner will grant the request. If
14 that occurs, defendants will move to stay these proceedings pending the outcome of the re-
15 examination; and

16 WHEREAS the Parties have submitted two forms of proposed protective order. ECF No.
17 106. The Court has not yet entered such an order; and

18 WHEREAS this is the Parties' first request to revise the scheduled deadlines.

19 **I. JOINT STIPULATION**

20 For the foregoing reasons, the Parties hereby submit their Stipulated and [Proposed] Revised
21 Scheduling Order as set forth below:

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<i>Pretrial or Trial Event</i>	<i>Current Dates</i>	<i>Proposed Revised Dates</i>
Close of Fact Discovery	Monday, October 29, 2012	Monday, April 29, 2013
Opening Claim Construction Brief	Monday, November 19, 2012	Same
Response Claim Construction Brief	Wednesday, December 5, 2012	Same
Reply Claim Construction Brief	Wednesday, December 12, 2012	Same

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<i>Pretrial or Trial Event</i>	<i>Current Dates</i>	<i>Proposed Revised Dates</i>
Claim Construction Hearing	TBD per Court's calendar	Same
Post-Claim Construction Order Settlement Conference	30 days after Court's claim construction order	Same
Disclose Experts for issues that party has burden of proof & Exchange Expert Reports	45 days after Court's claim construction order	Same
Last Date to Depose Experts	30 days after disclosure of experts	Same
Disclose Rebuttal Experts & Exchange Rebuttal Reports	45 days after disclosure of experts	Same
Last Date to Request Extension of Scheduled Deadlines	21 days before expert discovery closes	Same
Expert Discovery Closes and Last Date to Depose Rebuttal Experts	30 days after disclosure of rebuttal experts	Same
Last Date to File Dispositive Motions	30 days after expert discovery closes	Same
Submit Joint Pretrial Order (unless suspended per LR 26-1 (e)(5) due to filing of dispositive motions), including proposed trial date	30 days after order on dispositive motions	Same
Pre-Trial Settlement Conference	January 14, 2014	Same
Trial (anticipated trial length is five to seven days)	January 21, 2014	Same

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1 **II. SIGNATURES**

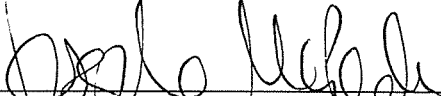
2 Each signature constitutes a certification that to the best of the signer's knowledge,
3 information and belief, formed after reasonable inquiry, the disclosures made by the signer are
4 complete and correct as of this time.

5 DATED: September 25, 2012.

DATED: September 25, 2012.

6 MCDONALD CARANO WILSON LLP

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20 **ORDER**

21 IT IS SO ORDERED:

22 DATED: November 9, 2012


UNITED STATES MAGISTRATE JUDGE