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12 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

13 **COMPOSITE RESOURCES, INC.,**

14 **Plaintiff,**

15 **vs.**

16 **RECON MEDICAL, LLC,**

17 **Defendant.**

Case No.: 2:17-CV-01755-MMD-VCF

**RECON MEDICAL, LLC’S UNOPPOSED
 MOTION TO
 EXTEND JOINT PRETRIAL ORDER
 DEADLINE**

(SECOND REQUEST)

19 Defendant Recon Medical, LLC (“Recon Medical”) hereby respectfully moves this Court
 20 for the entry of an Order to extend the deadline to file the Joint Pretrial Order. This motion is
 21 unopposed by Plaintiff, Composite Resources, Inc. (“Composite”).

1 Previously the parties submitted a stipulation in March of 2018 to extend discovery
2 deadlines generally, since then discovery has now closed, dispositive motions have been decided,
3 the pretrial settlement conference has been conducted, and one stipulated request to extend the
4 Joint Pretrial Order deadline was approved. Recon Medical now requests a second extension.
5 Composite does not oppose or object to this request.

6 Pursuant to LR IA 6-1 and LR 26-4, Defendant Recon Medical, for good cause as
7 discussed below, hereby moves the court to extend the Joint Pretrial Order deadline, presently
8 set in this matter on November 1, 2019, to November 22, 2019.

9 **A. Good Cause Exists for the Requested Extension in this Patent Litigation**

10 The Joint Pretrial Order deadline is presently set for November 1, 2019. (ECF No. 165.)
11 It has been determined that with commitments and deadlines in other matters, it will be very
12 difficult to meet this deadline despite the parties' diligence. This particularly true in light of the
13 nature of this case: a patent case involving fifty asserted claims of infringement by Composite
14 reaching across three patents; concomitant claims of invalidity and inequitable conduct
15 forwarded by Recon; damages issues relating to the Court's findings of trademark infringement
16 and unfair competition; and an unfair trade practices claim pursuant to the South Carolina Unfair
17 Trade Practices Act. The parties have been working diligently to meet the current deadline,
18 having exchanged deposition designations and Composite having provided a draft of the Pretrial
19 Order today. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)
20 (noting the primacy of diligence in determining good cause). Accordingly, extending the Joint
21 Pretrial Order deadline will conserve the resources of Recon Medical and allow counsel to
22 provide the Court a superior pretrial order, serve the Court's purposes under Federal Rule of
23

1 Civil Procedure 1 as well as judicial efficiency, and will not delay or otherwise impact the trial
2 date as no trial date has been set. Further, the Plaintiff does not oppose or object to the motion.

3 **B. Proposed Deadlines**

4 1. Pretrial Order Cut-Off Date:

5 Current Deadline: November 1, 2019

6 **Proposed: November 22, 2019**

7 **C. Conclusion**

8 Recon Medical respectfully submits that good cause exists for an extension of the Joint
9 Pretrial Order deadline as stated herein, and it is not sought for purposes of undue delay. Further,
10 the extension sought will not impact the trial as a trial date has not yet been set. Accordingly,
11 Recon Medical respectfully request that the Court extend the Joint Pretrial Order deadline as
12 requested above. The Plaintiff does not oppose or object to the motion.
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14

15 **ORDER**

16 IT IS SO ORDERED.

17 The Parties' Joint Pretrial Order deadline is extended to November 22, 2019.

18 Dated this 24th day of October, 2019.

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20 UNITED STATES JUDGE

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Dated: October 24, 2019

Respectfully submitted,

/s/ John M. Bustamante
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CERTIFICATE OF CONFERENCE

The undersigned attorney hereby certifies to the Court that I have conferred with opposing counsel and opposing counsel has indicated that they do not oppose or object to this motion.

Dated: October 24, 2019

Respectfully submitted,

/s/ John M. Bustamante
John M. Bustamante

ATTORNEY FOR DEFENDANT
RECON MEDICAL, LLC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was filed on October 24, 2019 with the clerk of Court via the CM/ECF system, which will notify all counsel of record including:

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Dated: October 24, 2019

Respectfully submitted,

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