

1 **DICKINSON WRIGHT PLLC**

2 STEVEN A. CALOIARO

3 Nevada Bar No. 12344
4 100 W. Liberty Street, Suite 940
5 Reno, Nevada 89501
6 Tel.: (775) 343-7500
7 Fax: (844) 670-6009
8 scaloiaro@dickinsonwright.com9 KEVIN D. EVERAGE
10 Nevada Bar No. 15913
11 3883 Howard Hughes Pkwy, Suite 800
12 Las Vegas, Nevada 89169
13 Tel.: (702) 550-4426
14 Fax: (844) 670-6009
15 keverage@dickinsonwright.com16 *Attorneys for Plaintiff*
17 *SATA GmbH & Co. KG*18 **IN THE UNITED STATES DISTRICT COURT
19 FOR THE DISTRICT OF NEVADA**20 SATA GmbH & Co. KG, a German)
21 Corporation,) Case No. 2:24-cv-02069-CDS-DJA
22)
23 Plaintiff,) **AMENDED STIPULATED DISCOVERY**
24) **PLAN AND SCHEDULING ORDER**
25 v.)
26) **SPECIAL SCHEDULING REVIEW**
27 Taizhou Tool-Bar Machinery Co., Ltd., a) **REQUESTED**
28 Chinese company,)
29)
30 Defendant.)31 Under Fed. R. of Civ. P. 26(f), Local Rule 26-1, *et seq.*, and in view of the Court's minute
32 order issued on February 24, 2025 (ECF No. 20), Plaintiff SATA GmbH & Co. KG ("SATA") and
33 Defendant Taizhou Tool-Bar Machinery Co., Ltd. ("Tool-Bar") (together, the "Parties"), by and
34 through their respective attorneys of record, hereby submit this Amended Stipulated Discovery
35 Plan and Scheduling Order.36 **Date of Conference and Appearances of Counsel:**37 The Parties held a Rule 26(f) Conference via videoconference on February 18, 2025 (the
38 "Conference"). In attendance on behalf of SATA was Kevin D. Everage of Dickinson Wright

1 PLLC. In attendance on behalf of Tool-Bar were Amber N. Davis and Jefferson C. Deery of
2 Wolter Van Dyke Davis, PLLC. A further conference was held on March 5, 2025, to address the
3 Court's minute order (ECF No. 20). In attendance on behalf of SATA was Kevin D. Everage of
4 Dickinson Wright PLLC. In attendance on behalf of Tool-Bar was Amber N. Davis of Wolter Van
5 Dyke Davis, PLLC.

6 **Initial Disclosures:**

7 The Parties will serve Initial Disclosures under Rule 26(a) on or before March 10, 2025.

8 **Discovery Plan:**

9 The Parties agree that discovery may be conducted on all matters relevant to the issues
10 raised by the pleadings and all matters otherwise within the scope of Rule 26(b)(1) and not
11 protected from disclosure. Pursuant to LR 26-1(b)(1), the Parties state that the first defendant
12 answered or otherwise appeared on December 19, 2024 upon the filing of Tool-Bar's Motion to
13 Dismiss (ECF No. 9). The proposed schedule is as follows:

Event	Time Frame	Date
Deadline to Serve Initial Disclosures (FRCP 26(a)(1))	14 days after Minute Order (ECF 20)	March 10, 2025
Amended Joint Stipulated Discovery Plan & Scheduling Order (LR 26-1(a))	Per Court Order (ECF No. 20)	March 7, 2025
Deadline to Amend Pleadings/Parties (LR 26-1(b)(2))	90 days before Discovery Cut-Off Date	May 19, 2025
Discovery Cut-Off Date (LR 26-1(b)(1))	240 days after 1 st Defendant's appearance	August 16, 2025
Expert Disclosures (FRCP 26(a)(2) and LR 26(1)(b)(3))	60 days before Discovery Cut-Off Date	June 17, 2025
Rebuttal Expert Disclosures (FRCP 26(a)(2) and LR 26(1)(b)(3))	30 days after Expert Disclosures	July 17, 2025
Dispositive Motion Deadline (LR 26-1(b)(4))	30 days after Discovery Cut-Off Date	September 15, 2026

Event	Time Frame	Date
Joint Pretrial Order and Pretrial Disclosures & Objections (FRCP 26(a)(3) and (LR 26(1)(b)(5) & (6))	Within 30 days after Dispositive Motion Deadline OR 30 days after Order on Dispositive Motions (if filed)	October 15, 2025 OR 30 days after Order on Dispositive Motions (if filed)
Trial		TBD

Special Scheduling Review:

Pursuant to Local Rule 26-1(b)(1), the defendant appeared and responded to the complaint on December 19, 2024. However, the Parties agree that a discovery period longer than one hundred eighty (180) days from the date of the response is required in this matter because the Parties must retain and depose experts on highly-technical issues and analysis relevant to the Parties' claims and defenses in a trademark/trade dress infringement suit, particularly as it relates to analysis of the trademark functionality issue the Parties are already disputing in their briefs on Tool-Bar's motion to dismiss. *See*, ECF Nos. 9, 16, and 17.

Alternative Dispute Resolution

Pursuant to Local Rule 26-1(b)(7), the Parties certify that they met and conferred about the possibility of using alternative dispute-resolution processes. The parties expressed mutual interest in mediation at a later time.

Alternative Forms of Case Disposition

Pursuant to Local Rule 26-1(b)(8), the Parties certify that they met and conferred to consider consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01). The parties do not consent to a trial by a magistrate judge.

Electronic Evidence

Jury trial has been demanded. Pursuant to Local Rule 26-1(b)(9), the Parties certify that they discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The Parties mutually intend to present evidence to jurors for the purposes of jury deliberations, and will do so in compliance with the electronic format and other

1 requirements for the court's electronic jury evidence display system.

2 **Other Planning or Discovery Orders:**

3 a. **Protective Order and ESI Order:** The Parties plan to file a proposed
4 protective order and a proposed order governing the discovery of
5 electrically stored information (ESI) for entry by the Court.
6 b. **Consent to electronic service:** Both Parties consent to electronic service
7 in this case pursuant to Fed. R. Civ. P. 5(b)(2)(E).

9 DATED: March 5, 2025

10 DICKINSON WRIGHT PLLC

11 /s/ Kevin D. Everage
12 STEVEN A. CALOIARO
13 Nevada Bar No. 12344
14 100 W. Liberty Street, Suite 940
15 Reno, Nevada 89501
16 Tel.: (775) 343-7500
17 Fax: (844) 670-6009
18 scaloiaro@dickinsonwright.com

19 KEVIN D. EVERAGE
20 Nevada Bar No. 15913
21 3883 Howard Hughes Pkwy, Suite 800
22 Las Vegas, Nevada 89169
23 Tel.: (702) 550-4426
24 Fax: (844) 670-6009
25 keverage@dickinsonwright.com

26 *Attorneys for Plaintiff*
27 SATA GmbH & Co. KG

9 DATED: March 5, 2025

10 LEX TECNICA LTD.

11 /s/ Amber N. Davis
12 F. CHRISTOPHER AUSTIN, ESQ.
13 Nevada Bar No. 6559
14 10161 Park Run Drive, Suite 150
15 Las Vegas, Nevada 89145
16 Tel.: (725) 239-8413
17 chris@lextechnica.com

18 WOLTER VAN DYKE DAVIS, PLLC
19 AMBER N. DAVIS (*pro hac vice*)
20 adavis@savvyiplaw.com
21 JEFFERSON C. DEERY (*pro hac vice*)
22 jdeery@savvyiplaw.com
23 1900 Summit Tower Blvd. STE 140
24 Orlando, Florida 32810
25 Tel.: (407) 926-7729

26 *Attorneys for Defendant*
27 Taizhou Tool-Bar Machinery Co., Ltd.

28 **ORDER**

29 IT IS SO ORDERED:

30 
31 UNITED STATES MAGISTRATE JUDGE

32 DATED: 3/6/2025