

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 2/28/2023
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AU NEW HAVEN, LLC, *et al.*, :

Plaintiffs, :

-v- :

YKK CORPORATION, *et al.*, :

Defendants. :

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1:15-cv-3411-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

The Court is in receipt of the parties’ submissions indicating that both parties intend to modify expert reports in advance of trial. *See* Dkt. Nos. 954–955. The Court hereby sets the following schedule for submission of the parties’ modified reports:

- Deadline for submission of Plaintiffs’ modified expert reports: **March 28, 2023.**
- Deadline for submission of Defendants’ modified expert reports and modified rebuttal reports (if necessary): **April 18, 2023.**¹
- Deadline for submission of Plaintiffs’ modified rebuttal reports (if necessary): **May 2, 2023.**²

The Court further notes that, because of the uncertainty concerning the Lanham Act’s scope in advance of *Abitron Austria GmbH v. Hectronic Int’l, Inc.*, Dkt. No. 21-1043, the parties’ modified expert reports should, as possible, account for the full range of possible legal standards that could emerge from a decision in that case.

Finally, Defendants’ motion to strike, Dkt. No. 956, is denied. The Court, however, will not

¹ By this date, Defendants should also inform the Court if they intend to file any *Daubert* motion with respect to Plaintiffs’ expert reports.

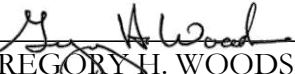
² By this date, Plaintiffs should also inform the Court if they intend to file any *Daubert* motion with respect to Defendants’ expert reports.

consider any arguments in that Plaintiffs' letter, Dkt. No. 954, that were nonresponsive to the Court's request concerning an intent to file modified expert reports. *See* Dkt. No. 945.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 956.

SO ORDERED.

Dated: February 28, 2023
New York, New York



GREGORY H. WOODS
United States District Judge