

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**ETHICON ENDO-SURGERY, INC. and  
ETHICON ENDO-SURGERY, LLC,  
Plaintiffs,**

v.

**COVIDIEN, INC. and COVIDIEN, LP  
Defendants.**

**Civil Action No. 1:11-cv-871**

**Judge Timothy S. Black**

**ORDER**

This matter is before the Court upon the parties' Joint Motion to Modify the Case Schedule. For good case shown, the Joint Motion is **GRANTED**. The previous Calendar Order (Doc. 55 as amended by Notation Order dated 2/20/2013) is vacated, and the Court hereby adopts the following **Calendar Order**:

<b>Event</b>	<b>Current Date</b>	<b>Proposed Date</b>
Covidien to disclose whether or not it is relying on advice of counsel for willfulness	Not set	5/10/2013
Covidien to provide invalidity contentions on '569 patent	Not set	5/10/2013
Close of fact discovery	4/12/2013	6/28/2013
Opening expert reports on issues for which the party has the burden of proof	5/28/2013	7/26/2013
Responsive expert reports on issues for which opposing party has burden of proof	6/28/2013	8/30/2013
Rebuttal expert reports on issues raised for first time in responsive reports	7/15/2013	Rebuttal Reports Cancelled*
Close of expert discovery	8/23/2013	9/30/2013
Deadline for dispositive motions	9/30/2013	Unchanged
Final pre-trial order	1/20/14	Unchanged

Final pre-trial conference	2/3/2014 at 10:00 a.m. in Cincinnati Chambers, Room 815	Unchanged
Bench trial	2/10/2014 at 9:30 a.m. in Cincinnati Courtroom #3	Unchanged

\* The opposing side's expert may rebut the positions set forth in the responsive reports in deposition or trial without serving a reply report as set forth under Local Patent Rule 106.1(c), provided that if the expert intends to rely on any documents or things for such rebuttal and such documents or things were not identified in the opening and/or responsive expert reports, such documents or things will be identified and produced at least 10 days before the deposition of the expert.

Date: 4/16/13

Timothy S. Dack  
United States District Judge

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