

1
2
3
4
5 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 PROGRESSIVE INTERNATIONAL
CORPORATION,

8 Plaintiff,

9 v.

10 BIG LOTS, INC.,

11 Defendant.

C17-1046-TSZ

MINUTE ORDER

12		
13	JURY TRIAL DATE (5 days)	February 11, 2019
14	Statement of asserted claims and preliminary infringement contentions due	December 13, 2017
15	Deadline for joining additional parties	December 29, 2017
16	Statement of preliminary non-infringement and invalidity contentions due	January 8, 2018
17		
18	Parties to exchange preliminary proposed constructions of disputed claim terms and provide list of proposed extrinsic evidence	January 29, 2018
19		
20	Joint Claim Chart and Prehearing Statement due	March 13, 2018
21	Parties to disclose reports from expert witnesses, if any, regarding <u>Markman</u> issues	March 13, 2018
22	Parties to disclose rebuttal expert reports, if any, regarding <u>Markman</u> issues	March 27, 2018
23		

1	Deadline for completion of claim construction discovery and for	April 12, 2018
2	amending pleadings	
3	Opening claim construction briefs (24 pages per side) filed by	April 19, 2018
4	(and noted for the date that the responsive claim construction	
	briefs are due)	
5	Responsive claim construction briefs (24 pages per side) filed by	May 3, 2018
6	<u>Markman</u> hearing at 9:00 a.m. on	June 5, 2018
7	Reports from expert witnesses under FRCP 26(a)(2) due	August 3, 2018
8	Rebuttal expert reports due	September 4, 2018
9	All discovery motions must be filed by	September 13, 2018
10	(and noted on the motion calendar no later than the third	
	Friday thereafter)	
11	Discovery completed by	October 11, 2018
12	All dispositive motions must be filed by	November 8, 2018
13	(and noted on the motion calendar no later than the fourth	
14	Friday thereafter; <u>see</u> LCR 7(d))	
15	All motions <i>in limine</i> must be filed by	January 10, 2019
16	(and noted on the motion calendar for the Friday before the	
	Pretrial Conference)	
17	Agreed pretrial order due	January 25, 2019
18	Trial briefs, proposed voir dire questions, proposed jury	January 25, 2019
19	instructions, and trial exhibits due	
20	Pretrial Conference at 10:00 a.m. on	February 1, 2019

18 These dates are set at the direction of the Court after reviewing the joint status
19 report and discovery plan submitted by the parties. All other dates are specified in the
20 Local Civil Rules. These are firm dates that can be changed only by order of the Court,
21 not by agreement of counsel or the parties. The Court will alter these dates only upon
22
23

1 good cause shown: failure to complete discovery within the time allowed is not
2 recognized as good cause.

3 If the Markman hearing or trial dates assigned to this matter create an
4 irreconcilable conflict, counsel must notify Karen Dews at 206-370-8830, within 14 days
5 of the date of this Minute Order and explain the exact nature of the conflict. A failure to
6 do so will be deemed a waiver. Counsel must be prepared to begin trial on the date
7 scheduled, but it should be understood that the trial may have to await the completion of
8 other cases.

9 Claim Construction (Markman) Hearing

10 The claim construction hearing will be set for a half-day (2.5 hours). If more or
11 less time is required, the parties are instructed to inform Karen Dews at 206-370-8830.

12 PLEASE NOTE: The Court will not rule on dispositive motions that raise issues
13 of claim construction prior to the Markman Hearing, unless special circumstances
14 warrant and leave of Court is obtained in advance of filing.

15 Exhibits

16 The original and one copy of any exhibits to be used at the Markman Hearing
17 and/or trial are to be delivered to the Court at least five (5) days before the hearing and/or
18 trial date. Each exhibit shall be clearly marked. Exhibit tags are available in the Clerk's
19 Office. Plaintiff's exhibits shall be numbered consecutively beginning with 1.
20 Defendant's exhibits shall be numbered consecutively beginning with the next multiple
21 of 100 after plaintiff's last exhibit. For example, if plaintiff's last exhibit is numbered
22 159, then defendant's exhibits shall begin with the number 200. Duplicate documents
23

1 shall not be listed twice: once a party has identified an exhibit in the pretrial order, any
2 party may use it. Each set of exhibits shall be submitted in a three-ring binder with
3 appropriately numbered tabs.

4 Settlement

5 Should this case settle, counsel shall notify Karen Dews at 206-370-8830 as soon
6 as possible.

7 The Clerk is directed to send a copy of this Minute Order to all counsel of record.

8 Dated this 28th day of November, 2017.

9 William M. McCool
10 Clerk

11 s/Karen Dews
12 Deputy Clerk

13
14
15
16
17
18
19
20
21
22
23