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15 *Attorneys for Defendants Garmin
16 International, Inc. and Garmin Ltd.*

17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

19 PHILIPS NORTH AMERICA LLC,
20 Plaintiff,
21 v.
22 GARMIN INTERNATIONAL, INC.
23 AND GARMIN LTD.,
24 Defendants.

Case No. 2:19-cv-06301-AB-KS

**JOINT STIPULATION TO
EXTEND DEADLINE TO MOVE
TO AMEND PLEADINGS**

JURY TRIAL DEMANDED

25 **JOINT STIPULATION TO EXTEND DEADLINES
26 TO MOVE TO AMEND PLEADINGS**

27 The parties, Plaintiff Philips North America LLC (“Philips”) and Defendants
28 Garmin International, Inc. and Garmin Ltd. (collectively, “Garmin”), by and through

1 their undersigned counsel, hereby stipulate, subject to the approval of the Court, that
 2 the deadline for the Court to hear Motions to Amend Pleadings/Add Parties be
 3 amended as set forth below case schedule set forth in the Order Re: Jury/Court Trial
 4 (Dkt. 54) shall be amended as set forth below:
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Event	Current Date	Amended Date
Last Date to Hear Motion to Amend Pleadings/Add Parties [Friday]	5/28/2020	8/28/2020

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 10 This is the Parties' second request for an extension of deadlines. Previously,
 11 the Parties asked for a one-day extension to file their Opening Claim Construction
 12 Briefs. Dkt. No. 72. The Court granted that request on June 24, 2020. Dkt. No. 72.
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14 The Parties submit that there is good cause for the requested extension. Garmin
 15 did not delay in seeking amendment. Garmin discovered the underlying facts
 16 regarding the inequitable conduct claim when finalizing its invalidity contentions.
 17 One week after serving its invalidity contentions, Garmin disclosed to Philips that it
 18 intended to amend its pleading to add a counterclaim for inequitable conduct. Philips
 19 responded that it would oppose such amendment on May 18, 2020, and the Parties met
 20 and conferred regarding Garmin's motion to amend on May 21, 2020 pursuant to L.R.
 21 7-3. During the meet-and-confer on May 21, 2020, counsel for Philips stated that
 22 Philips did not oppose the amendment as untimely, but did intend to oppose on
 23 grounds of futility. However, in order to further assess such opposition, counsel for
 24 Garmin agreed to provide the amended pleading to counsel for Philips for review.
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1 After such review, counsel for Philips confirmed its above-stated position.

2 During the negotiations regarding this stipulation, counsel for Philips further
3 stated its intention make a motion to dismiss in the alternative alongside its opposition
4 to Garmin's motion to amend. While Garmin does not believe that such a motion
5 would be procedurally proper, Garmin contends that its inequitable conduct claim is
6 well-taken under either motion, and as such, has agreed to Philips' desired procedure
7 as a professional courtesy and to avoid unnecessary motion practice pertaining to
8 Philips' requested procedure. Therefore, the Parties agree to account for Philips'
9 anticipated motion to dismiss in the briefing schedule, such that the parties will set a
10 single hearing date (on or prior to August 28, 2020) for Garmin's motion to amend
11 and Philips' alternative motion to dismiss. The Parties further agree to the following
12 briefing schedule:
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17 Motion to Amend – 35 days prior to hearing

18 Response to Motion to Amend/Motion to Dismiss – 28 days prior to hearing

19 Reply to Motion to Amend/Response to Motion to Dismiss – 21 days prior to
20 hearing

21 Reply to Motion to Dismiss – 14 days prior to hearing

22 Accordingly, the Parties respectfully request that the Court amend the deadline
23 for the Court to hear motions to amend pleadings, as such extension of time will allow
24 for the parties to brief Garmin's motion to amend and Philips' anticipated motion to
25 dismiss, which will be set for a single hearing date. All other dates in the case schedule
26 shall remain unchanged.
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1 **IT IS SO STIPULATED AND AGREED.**

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3 Dated: July 9, 2020

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5 **FOLEY & LARDNER LLP**

ERISE IP, P.A.

6 /s/ Jean-Paul Ciardullo

By: /s/ Michelle L. Marriott

7 Jean-Paul Ciardullo

Michelle L. Marriott

8 Eley O. Thompson

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11 John W. Custer

12 **FOLEY & LARDNER LLP**

13 *Attorneys for Plaintiff*

14 *Philips North America, LLC*

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