

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NUVASIVE, INC.,

Plaintiff,

v.

ALPHATEC HOLDINGS, INC. et al.,

Defendants.

Case No.: 3:18-CV-347-CAB-MDD

SCHEDULING ORDER

Upon consideration of the parties’ joint discovery plan [Doc. No. 292], it is hereby **ORDERED** that in addition to what the parties have agreed to, they are limited to two *additional* interrogatories, two *additional* requests for production, and two *additional* fact witness depositions. It is further **ORDERED** that the following case management deadlines shall apply going forward. If the parties want a settlement conference with Judge Dembin, they should contact his chambers to set a date.

Event	Date
Alphatec Production of Physical Samples and Product Literature re Accused Products	September 3, 2020

Event	Date
Alphatec and NuVasive to respond to and supplement responses to written discovery requests and to make a substantially complete production of documents relating thereto	September 18, 2020
Deadline for Alphatec to assert advice of counsel defense	September 18, 2020
NuVasive updated preliminary infringement contentions	October 1, 2020
Alphatec updated preliminary non-infringement positions and preliminary invalidity contentions	October 15, 2020
Fact Discovery Deadline	November 6, 2020
NuVasive final infringement contentions and election of asserted claims	November 6, 2020
Alphatec final invalidity contentions	November 12, 2020
Service of opening expert reports (party with burden of proof)	November 20, 2020 at 12:00 p.m.
Service of rebuttal expert reports	December 18, 2020 at 12:00 p.m.
Expert Discovery Deadline	January 14, 2021
Dispositive and <i>Daubert</i> motion deadline ¹	January 26, 2021

¹ Each side is limited to a total of 40 pages for any dispositive and *Daubert* motions, a total of 40 pages for the opposition briefs, and a total of 15 pages for their replies.

Event	Date
Pretrial Disclosures	April 9, 2021
Meet and Confer re Pretrial Order	April 16, 2021
Motions in Limine Filed By:	April 30, 2021
Motions in Limine Oppositions ² Filed By:	May 7, 2021
Lodge Joint Proposed Pretrial Order	May 7, 2021
Final Pretrial Conference and Motion in Limine Hearing	May 14, 2021 at 2:00 p.m.
Trial ³	June 7, 2021 at 8:45 a.m.

It is **SO ORDERED**.

Dated: August 25, 2020



Hon. Cathy Ann Bencivengo
United States District Judge

² No reply briefs will be accepted for motions in limine.

³ The Court is reserving 8 trial days at this time: June 7-10 and 14-17, 2021.