

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBERT BOSCH LLC,)	
)	
Plaintiff,)	
)	C.A. No. 12-574-LPS-CJB
v.)	C.A. No. 14-142-LPS-CJB
)	
ALBEREE PRODUCTS, INC.,)	JURY TRIAL DEMANDED
API KOREA CO., LTD., and)	
SAVER AUTOMOTIVE PRODUCTS, INC.,)	
)	
Defendants.)	

SCHEDULING ORDER

This ____ day of August, 2014, the Court having conducted a Case Management Conference/ Rule 16 scheduling and planning conference pursuant to Local Rule 16.2(a) and Judge Stark's Revised Procedures for Managing Patent Cases (which is posted at <http://www.ded.uscourts.gov>; see Chambers, Judge Leonard P. Stark, Patent Cases) on August 4, 2014, and the parties having determined after discussion that the matter cannot be resolved at this juncture by settlement, voluntary mediation, or binding arbitration;

IT IS HEREBY ORDERED that:

1. Consolidation. This civil action is consolidated with the original filed action, Case No. 1:12-cv-574-LPS-CJB, which is the Lead Case. All filings subsequent to the initial pleadings shall be made in the Lead Case.
2. Defendants' Answers to Complaints. Notwithstanding the pending motions to dismiss for lack of personal jurisdiction (12-cv-574, D.I. 45-50; 14-cv-142, D.I. 6, 7, 14-19), Defendants shall file their answers to Plaintiff's complaints (12-cv-574, D.I. 38; 14-cv-142, D.I. 1) on or before **August 31, 2014**. The parties stipulate and agree that by answering the

complaints, Defendants' objections to jurisdiction as presented in their motions to dismiss are not waived.

3. Rule 26(a)(1) Initial Disclosures and E-Discovery Default Standard.

The parties shall make their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) on or before **August 29, 2014**. If they have not already done so, the parties are to review the Court's Default Standard for Discovery, Including Discovery of Electronically Stored Information ("ESI") (which is posted at <http://www.ded.uscourts.gov>; see Other Resources, Default Standards for Discovery, and is incorporated herein by reference).

4. Start of Discovery. A party may seek discovery from any source in accordance with the Federal Rules of Civil Procedure and this Court's Local Rules.

5. Joinder of Other Parties and Amendment of Pleadings. All motions to join other parties, and to amend or supplement the pleadings, shall be filed on or before **March 20, 2015**.

6. Application to Court for Protective Order. Should counsel find it will be necessary to apply to the Court for a protective order specifying terms and conditions for the disclosure of confidential information, counsel should confer and attempt to reach an agreement on a proposed form of order and submit it to the Court by **September 5, 2014**. Should counsel be unable to reach an agreement on a proposed form of order, counsel must follow the provisions of Paragraph 11(i) below.

Any proposed protective order must include the following paragraph:

Other Proceedings. By entering this order and limiting the disclosure of information in this case, the Court does not intend to preclude another court from finding that information may be relevant and subject to disclosure in another case. Any person or party subject to this order who becomes subject to a motion to disclose another party's information designated "confidential" [the parties should list any other level of designation, such as "highly confidential,"

which may be provided for in the protective order] pursuant to this order shall promptly notify that party of the motion so that the party may have an opportunity to appear and be heard on whether that information should be disclosed.

7. Papers Filed Under Seal. In accordance with section G of the Administrative Procedures Governing Filing and Service by Electronic Means, a redacted version of any sealed document shall be filed electronically within seven (7) days of the filing of the sealed document.

Should any party intend to request to seal or redact all or any portion of a transcript of a court proceeding (including a teleconference), such party should expressly note that intent at the start of the court proceeding. Should the party subsequently choose to make a request for sealing or redaction, it must, promptly after the completion of the transcript, file with the Court a motion for sealing/redaction, and include as attachments (1) a copy of the complete transcript highlighted so the Court can easily identify and read the text proposed to be sealed/redacted, and (2) a copy of the proposed redacted/sealed transcript. With their request, the party seeking redactions must demonstrate why there is good cause for the redactions and why disclosure of the redacted material would work a clearly defined and serious injury to the party seeking redaction.

8. Service. The parties consent to service by email, pursuant to Fed. R. Civ. P. 5(b)(2)(E). When the document(s) for service exceeds 20 MB, the serving party shall either divide the documents into a series of e-mails each of a size less than 20 MB, or serve the documents by password-protected file transfer protocol ("FTP"). Microsoft Word files of discovery requests shall be provided to the opposing party.

9. Courtesy Copies. Other than with respect to "discovery matters," which are governed by Paragraph 12(i), and the final pretrial order, which is governed by paragraph 24, the parties shall provide to the Court two (2) courtesy copies of all briefs and one (1) courtesy copy of

any other document filed in support of any briefs (*i.e.*, appendices, exhibits, declarations, affidavits etc.). This provision also applies to papers filed under seal.

10. ADR Process. This matter is referred to a magistrate judge to explore the possibility of alternative dispute resolution.

11. Disclosures. Absent agreement among the parties, and approval of the Court:

a. By **September 19, 2014**, Plaintiff shall identify the accused product(s), including accused methods and systems, and its damages model, as well as the asserted patent(s) that the accused product(s) allegedly infringe(s). Plaintiff shall also produce the file history for each asserted patent.

b. By **October 17, 2014**, Defendants shall produce core technical documents related to the accused product(s), sufficient to show how the accused product(s) work(s), including but not limited to non-publicly available operation manuals, product literature, schematics, and specifications. Defendants shall also produce sales figures for the accused product(s).

c. By **October 31, 2014**, Plaintiff shall produce an initial claim chart relating each known accused product to the asserted claims each such product allegedly infringes.

d. By **November 14, 2014**, Defendants shall produce their initial invalidity contentions for each asserted claim, as well as the known related invalidating references.

e. By **June 12, 2015**, Plaintiff shall provide final infringement contentions.

f. By **June 26, 2015**, Defendants shall provide final invalidity contentions.

12. Discovery. Unless otherwise ordered by the Court, the limitations on discovery set forth in Local Rule 26.1 shall be strictly observed.

a. Discovery Deadline. All fact discovery in this case shall be initiated so that it will be completed on or before **July 31, 2015**.

b. Document Production. Document production shall be substantially complete by **April 17, 2015**. Documents previously produced by the parties in the Investigation 337-TA-816 (“the ITC Investigation”) shall be deemed to have been produced here, subject to the applicable Protective Order to be entered in this action. If any party intends to rely on foreign-language documents in support of any claim or defense, English translations of those documents shall be produced in addition to the original.

c. Privilege Logs. The parties must exchange privilege logs by **May 15, 2015**. Privileged documents created after October 26, 2011 (the date of filing of the Complaint in the ITC Investigation) may be withheld without being identified to a requesting party, unless the requesting party makes a particular request for post-complaint privileged documents, which request may be complied with or objected to, subject to review by the Court if necessary.

d. Requests for Admission. A maximum of two hundred (200) requests for admission are permitted for each side.

e. Interrogatories.

i. A maximum of twenty-five (25) interrogatories, including contention interrogatories, are permitted for each side.

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