

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

LOGANTREE LP,

Plaintiff,

v.

GARMIN INTERNATIONAL, INC. and
GARMIN USA, INC.,

Defendants.

Case No. 17-1217-EFM-ADM

ORDER

The amended patent scheduling order requires that “[d]isclosures required by Fed. R. Civ. P. 26(a)(2), including reports from retained experts, must be served by the party bearing the burden of proof by July 5, 2021, with rebuttal expert disclosures served by August 20, 2021.” (ECF 110, at 3.) On June 30, LoganTree LP’s (“LoganTree”) counsel emailed the magistrate judge’s chambers to ask whether LoganTree was required to produce its infringement expert’s report by the July 5 deadline because, according to LoganTree, its infringement expert requires additional printed pages of source code—an issue that is now the subject of pending discovery motions. Chambers staff responded that, “If you are requesting an extension of a previously imposed deadline you will need to file a motion. The court will consider the motion, but counsel should not assume it will be granted.” On July 1, LoganTree filed a motion to modify the scheduling order to extend the July 5 deadline for initial expert disclosures. (ECF 123.) LoganTree then proceeded to *not* serve any infringement expert disclosure by the July 5 deadline—even one that could later be supplemented if LoganTree ultimately prevailed in obtaining additional printed pages of source code—despite the fact that the court had

admonished LoganTree that it should not assume that the court would grant an extension of the July 5 deadline.

LoganTree's failure to serve expert disclosures on all issues on which it bears the burden of proof makes it impractical for defendants Garmin International, Inc. and Garmin USA, Inc. (collectively "Garmin") to serve rebuttal expert disclosures. Accordingly, the court vacates the August 20 deadline for Garmin's rebuttal expert disclosures. The court will reset Garmin's rebuttal expert disclosure deadline in conjunction with its forthcoming ruling on the pending motions. LoganTree's rebuttal expert disclosure deadline remains August 20, 2021.

IT IS SO ORDERED.

Dated July 15, 2021, at Topeka, Kansas.

s/ Angel D. Mitchell
Angel D. Mitchell
U.S. Magistrate Judge