

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

LOGANTREE LP,

Plaintiff,

vs.

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

Defendants.

Case No. 6:17-cv-01217-EFM-ADM

[PROPOSED] SCHEDULE TO COMPLETE EXPERT DISCOVERY

Pursuant to this Court’s Order (Dkt. 143), the parties propose the following schedule for the completion of expert discovery:

Proposed Schedule:

1. October 8, 2021¹ – Deadline for LoganTree to serve its Opening Infringement Report

¹ Garmin originally proposed September 24, 2021—9 days after Garmin’s source code printouts were delivered to LoganTree’s expert—and then October 1, as LoganTree’s deadline, in line with the Court’s previously stated inclination to set LoganTree’s deadline about 7-10 days following the resolution of the parties’ source code dispute. Dkt. 138, at 29 (“The court is inclined to reset the deadline about 7-10 days thereafter [the source code printout issues are fully resolved].”). LoganTree rejected both proposed dates. By the time of this filing, LoganTree had effectively obtained its own extension. Regardless, Garmin is prepared to move forward however the Court deems best and without further dispute with LoganTree so the case may proceed to summary judgment.

LoganTree wishes to provide the following relevant facts in addition to the foregoing provided by Garmin. On August 31, 2021, LoganTree submitted an initial partial request for source code printouts of one model family of accused products in an effort to confirm whether Garmin would object to the request. Garmin replied that they would need the entirety of source code printout requests in order to evaluate the requests, even though the requests were for limited portions of source code. On September 3, 2021, LoganTree submitted the entirety of source code printout requests for all 5 model families (including 40 accused products). On September 15, 2021, LoganTree’s expert received the requested printouts. LoganTree’s expert was then unavailable September 16 through September 20 because of his child’s wedding. Moreover, LoganTree’s expert’s engineer/employee who was involved in the source code review and involved in helping with preparation of the expert report

and Validity Report

2. October 19, 2021 – Garmin’s deposition of Nik Volkov (LoganTree’s damages experts)
3. October 25, 2021 – Deadline for Garmin to serve its Responsive Damages Report and Non-Infringement Report
4. October 26, 2021 – LoganTree’s deposition of Greg Welch (Garmin’s invalidity expert)
5. October 27, 2021 – Garmin’s deposition of Monty Myers (LoganTree’s infringement expert)
6. October 28, 2021 – LoganTree’s deposition of Chuck Finch (Garmin’s damages expert) and Garmin’s deposition of Frank Ferrese (LoganTree’s validity expert)
7. October 29, 2021 – LoganTree’s deposition of William Michalson (Garmin’s non-infringement expert)

FOR DEFENDANTS GARMIN INTERNATIONAL, INC. and GARMIN USA, INC.:

DATED: October 1, 2021

Respectfully submitted,

/s/ Adam P. Seitz

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*Attorneys for Defendants Garmin
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was/is unavailable from September 17 through October 3 for his own wedding and honeymoon. When discussing with Garmin the proposed due dates for the reports, LoganTree advised Garmin of

FOR PLAINTIFF LOGANTREE LP:

DATED: October 1, 2021

Respectfully submitted by:

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2021, the foregoing document was filed with the Clerk of the Court using CM/ECF and that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document.

By: /s/ Adam P. Seitz
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