

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

OANDA Corporation,  
*Plaintiff,*

v.

GAIN Capital Holdings Inc.,  
GAIN Capital Group, LLC,  
*Defendants.*

Civil Action No. 20-05784-BRM-DEA

**SCHEDULING ORDER**

*Document Filed Electronically*

THIS MATTER having come before the Court for an Initial Conference pursuant to Fed. R. Civ. P. 16 on June 15, 2021; and the parties having submitted a proposed joint discovery plan in advance of the conference; and the Court having reviewed the parties' proposed schedule and having found that the below schedule is appropriate; and for good cause shown,

IT IS on this 11<sup>th</sup> day of ~~June~~ AUGUST, 2021,

**ORDERED** that the following schedule shall apply to this matter:

Event	Dates
Initial Disclosures • 14 days after 26(f) conference	June 16, 2021
Submit Stipulated Discovery Confidentiality Order (L. Pat. R. 2.2.) • 14 days after initial scheduling conference	June 29, 2021
Plaintiff serves disclosure of asserted claims and infringement contentions (L. Pat. R. 3.1-3.2) • 14 days after initial scheduling conference	July 20, 2021
Defendants serve non-infringement/invalidity contentions (L. Pat. R. 3.2A, 3.3)	September 3, 2021

*The parties' proposed ESI Order must be submitted to the Court by*

*AUGUST 25, 2021*

Event	Dates
<ul style="list-style-type: none"> <li>• 45 days after disclosure of asserted claims</li> </ul>	
Plaintiff serves responses to invalidity contentions (L. Pat. R. 3.4A) <ul style="list-style-type: none"> <li>• 14 days after service of invalidity contentions</li> </ul>	September 17, 2021
Exchange of proposed terms for construction (L. Pat. R. 4.1) <ul style="list-style-type: none"> <li>• 14 days after responses to invalidity contentions</li> </ul>	October 1, 2021
Exchange of preliminary claim constructions and supporting intrinsic and extrinsic evidence (L. Pat. R. 4.2(a) and (b)) <ul style="list-style-type: none"> <li>• 21 days after exchange of proposed terms for construction</li> </ul>	October 22, 2021
Telephone Status Conference with Judge Arpert (Plaintiff to initiate)	November <u>1</u> , 2021 at <u>10:30 am</u>
Exchange of identification of all intrinsic and extrinsic evidence that each party intends to rely upon to oppose any other party's proposed construction, including without limitation, the evidence referenced in L. Pat. R. 4.2(b). (L. Pat. R. 4.2(c)) <ul style="list-style-type: none"> <li>• 14 days after exchange of preliminary claim constructions</li> </ul>	November 5, 2021
Filing of joint claim construction and prehearing statement (L. Pat. R. 4.3) <ul style="list-style-type: none"> <li>• 30 days after exchange of preliminary claim constructions</li> </ul>	November 22, 2021
Completion of claim construction discovery (L. Pat. R. 4.4) <ul style="list-style-type: none"> <li>• 30 days after service and filing of joint claim construction and prehearing statement</li> </ul>	January 12, 2022
Opening claim construction submission (L. Pat. R. 4.5(a)) <ul style="list-style-type: none"> <li>• 45 days after serving and filing joint claim construction and prehearing statement</li> </ul>	January 27, 2022
Completion of expert discovery related to opening claim construction submission (L. Pat. R. 4.5(b)) <ul style="list-style-type: none"> <li>• 30 days after filing the opening claim construction submission</li> </ul>	February 28, 2022
Responsive claim construction submission (L. Pat. R. 4.5(c)) <ul style="list-style-type: none"> <li>• 60 days after filing the opening claim construction submission</li> </ul>	March 28, 2022

Event	Dates
Confer and propose a schedule for claim construction hearing (L. Pat. R. 4.6) <ul style="list-style-type: none"> <li>Two weeks following submission of responsive claim construction submission</li> </ul>	April 11, 2022
Claim construction hearing (L. Pat. R. 4.6)	[TBD]
Deadline to file motions to amend or to add parties	April 25, 2022
Disclosure of advice of counsel (L. Pat. R. 3.8) <ul style="list-style-type: none"> <li>30 days after entry of court's claim construction order</li> </ul>	[TBD]
Substantial completion of document production and certification of substantial completion (L. Pat. R. 2.1(a)(6))	[TBD]
Close of fact discovery	[TBD]
Opening expert reports on issues on which a party bears the burden of proof	[TBD]
Responsive expert reports, including Plaintiff's opening positions on secondary considerations	[TBD]
Reply expert reports, including Defendants' responsive positions on secondary considerations	[TBD]
Plaintiff's reply expert report solely on secondary considerations	[TBD]
Expert depositions to be completed by	[TBD]
Close of expert discovery	[TBD]
Deadline to file dispositive motions	[TBD]
Interim status/settlement conference (with clients in attendance)	[TBD]
Deadline to file motions <i>in limine</i>	[TBD]
Deadline to file oppositions to motions <i>in limine</i>	[TBD]
Deadline to file pre-trial brief	[TBD]
Pre-trial conference	[TBD]
Trial Date	[TBD]

It is further **ORDERED** that the parties shall meet and confer within seven days of the entry of the Court's claim construction Order in an effort to reach a consensus for the submission of a proposed supplemental Scheduling Order regarding all remaining pretrial matters. The parties shall submit the proposed supplemental

Scheduling Order and any statements of position in the event the parties cannot agree on any scheduling or other issues within seven business days after meeting and conferring as aforesaid.



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Hon. Douglas E. Arpert  
United States Magistrate Judge