

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

SAUDER MANUFACTURING CO.

Plaintiff,

v.

J SQUARED, INC. d/b/a
UNIVERSITY LOFT COMPANY

Defendant.

CASE NO.: 3:14-cv-00962-JZ

JUDGE JACK ZOUHARY

**MOTION FOR EXTENSION OF
TIME TO PRODUCE RESPONSIVE
DOCUMENTS**

Pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, J Squared, Inc. (d/b/a University Loft Company and referred to herein as “J Squared”), moves this Court for an extension of time to produce documents responsive to Plaintiff Sauder Manufacturing Company’s (“Plaintiff or “Sauder”) Requests for Production of Documents. J Squared will be serving, on the date of this filing, its Objections and Responses to the Requests for Production, along with its Objections and Responses to Sauder’s First Set of Requests for Admissions and Sauder’s First Set of Interrogatories. Additional time is needed, however, for J Squared to produce documents responsive to Sauder’s Requests for Production. Further, as explained below, J Squared anticipates filing a motion to stay this action within the next 30 days, which, if granted, would eliminate the need for J Squared to produce responsive documents.

J Squared and Sauder previously agreed to a 21-day extension of time for J Squared to provide its responses to all of Sauder’s discovery requests. During that time period, J Squared attempted to settle this case and extended a settlement offer to Sauder. Sauder rejected J Squared’s settlement offer and declined to make a counteroffer. Accordingly, settlement

discussions have now ceased. Sauder also declined to extend any additional extensions of time for J Squared to serve its discovery responses. Accordingly, as referenced above, J Squared is responding to Sauder's discovery requests, other than producing documents.

As a result of the cessation of settlement discussions, and as previously raised at the status conference in June, J Squared now intends to file, within the next thirty days, a petition for an inter partes review (the "IPR Petition") of the patents at issue in this suit with United States Patent and Trademark Office, and J Squared also intends to file with this Court a motion to stay this action. In the event this Court grants J Squared's forthcoming motion to stay, the need to produce responsive documents to Sauder will be obviated. In the event the Court denies J Squared's motion to stay this action, J Squared reasonably needs 10 days from the date of denial to produce documents responsive to Sauder's Requests for Production of Documents. In the event J Squared does not file an IPR Petition and motion to stay within the next 30 days, J Squared would produce responsive documents at that time (*i.e.*, on October 8, 2014). This Motion is not made for the purpose of delay, and the granting of this Motion will not prejudice Sauder.

WHEREFORE, J Squared respectfully requests an extension of time to produce documents responsive to Sauder's Requests for Production of Documents to and including October 8, 2014, unless prior thereto J Squared files a motion to stay this action in connection with an IPR Petition, in which case J Squared would not be required to produce documents unless the Court denies the motion to stay and until 10 days after such denial.

/s/ Philip R. Bautista

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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2014, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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