

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CHERVON (HK) LIMITED, )  
CHERVON NORTH AMERICA INC., )

*Plaintiffs,* )

C.A. No. 19-1293-LPS

v. )

ONE WORLD TECHNOLOGIES, INC., )  
TECHTRONIC INDUSTRIES CO. )  
LTD., )

*Defendants.* )

**PROPOSED SCHEDULING ORDER**

This 9<sup>th</sup> day of March, 2020 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 February 27, 2020, 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. Rule 26(a)(1) Initial Disclosures and E-Discovery Default Standard. Unless otherwise agreed to by the parties, the parties shall make their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) by January 17, 2020. 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).<sup>1</sup>

2. 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 January 13, 2020.

3. 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 within ten (10) days from the date of this Order. Should counsel be unable to reach an agreement on a proposed form of order, counsel must follow the provisions of Paragraph 8(g) 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.

4. 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

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<sup>1</sup> Attached as **Exhibit A** is a proposed schedule listing the events and proposed dates in chronological order.

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.

5. Courtesy Copies. Other than with respect to “discovery matters,” which are governed by paragraph 8(g), and the final pretrial order, which is governed by paragraph 20, 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.

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

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

a. By January 17, 2020, Plaintiffs 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 January 30, 2020, 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 February 21, 2020, Plaintiffs shall produce an initial claim chart relating each known accused product to the asserted claims each such product allegedly infringes.

d. By March 18, 2020, Defendants shall produce its initial invalidity contentions for each asserted claim, as well as the known related invalidating references.

e. By November 12, 2020, Plaintiffs shall provide final infringement contentions.

f. By December 17, 2020, Defendants shall provide final invalidity contentions.

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

a. Discovery Cut Off. All fact discovery in this case shall be initiated so that it will be completed on or before March 2, 2021.

b. Document Production. Document production shall be substantially complete by January 5, 2021.

c. Requests for Admission. A maximum of 50 requests for admission are permitted for each side.

d. Interrogatories.

i. A maximum of 25 interrogatories, including contention interrogatories, are permitted for each side.

ii. The Court encourages the parties to serve and respond to contention interrogatories early in the case. In the absence of

agreement among the parties, contention interrogatories, if filed, shall first be addressed by the party with the burden of proof. The adequacy of all interrogatory answers shall be judged by the level of detail each party provides; i.e., the more detail a party provides, the more detail a party shall receive.

e. Depositions.

- i. Limitation on Hours for Deposition Discovery. The parties agree that the limitations regarding the number of fact depositions imposed by the Federal Rules of Civil Procedure shall apply in this case. Plaintiffs shall be entitled to take ten (10) fact depositions and Defendants shall be entitled to take ten (10) fact depositions. Each deposition shall be limited to a single day of no more than seven (7) hours, in accordance with Rule 30(d)(1) of the Federal Rules of Civil Procedure unless otherwise ordered by the Court. An exception shall be made for witnesses requiring an interpreter, in which case, the deposition shall be limited to no more than ten and one half (10.5) hours. Additionally, each deposition on a party under Rule 30(b)(6) may proceed for up to seven (7) hours (without an interpreter) or ten and one half (10.5) hours (if an interpreter is required) per witness, and all depositions taken under Rule 30(b)(6) shall collectively count towards only one (1) deposition of the ten (10) fact deposition limit per side regardless of the number of witnesses deposed under Rule 30(b)(6).

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