

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Oxygenator Water Technologies, Inc.,

File No. 20-cv-358 (ECT/HB)

Plaintiff,

v.

**BRIEFING ORDER**

Tennant Company,

Defendant.

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The Court will hold a hearing on claim construction on **August 5, 2021, at 9:00 a.m.** in Courtroom 3B, 316 N. Robert Street, St. Paul, MN, before Judge Eric C. Tostrud. At that hearing, the Parties may present extrinsic evidence in the form of dictionary definitions, treatises, and background and expert testimony by means of affidavit. Such extrinsic evidence may not be presented as live testimony. In connection with the hearing on claim construction, the Court orders the following briefing schedule:

1. **Opening Memoranda.** On or before **June 10, 2021**, the Parties must file their opening claim construction memoranda and any supporting expert declarations.
2. **Responsive Expert Declarations.** On or before **June 17, 2021**, the Parties must file and serve any expert declarations responding to the other Party's opening claim construction memorandum.
3. **Expert Depositions.** Each Party must make its expert available for deposition between **June 18, 2021** and **July 8, 2021**.

4. **Reply Memoranda.** On or before **July 22, 2021**, the Parties must file their responsive claim construction memoranda.
5. **Technology Tutorial.** The Court will decide whether to hold a pre-claim construction conference—including a technology tutorial—after receipt of the Parties’ opening memoranda. If such a hearing is to occur, it will be scheduled in consultation with the Parties.

**SO ORDERED.**

Dated: April 26, 2021

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court