

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Oxygenator Water Technologies, Inc.,

Civil No. 20-cv-0358 (ECT/HB)

Plaintiff,

v.

**AMENDED PRETRIAL  
CASE MANAGEMENT ORDER**

Tennant Company,

Defendant.

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Pursuant to the decision of the Court on Tennant Company's request to amend the Pretrial Case Management Order [ECF No. 71], which was submitted to the Court for resolution through its Informal Dispute Resolution process [ECF Nos. 69, 70], and for good cause shown,

**IT IS HEREBY ORDERED** that the Pretrial Case Management Order [ECF No. 43], as amended [ECF No. 62], is hereby further amended as follows:

**FACT DISCOVERY DEADLINES AND LIMITS**

1. Fact discovery must be commenced in time to be completed on or before ~~June 18, 2021~~ **July 19, 2021**.

**NON-DISPOSITIVE MOTIONS**

1. All non-dispositive motions and supporting documents, other than those seeking to amend or supplement the pleadings or relating to expert discovery, must be filed and served on or before ~~July 6, 2021~~ **August 2, 2021**.
2. All non-dispositive motions and supporting documents that relate to expert discovery must be filed and served on or before ~~October 22, 2021~~ **November 19, 2021**.

## **TRIAL EXPERTS**

1. Disclosure of the identities of expert witnesses under Rule 26(a)(2)(A), the full disclosures required by Rule 26(a)(2)(B) (including the written report prepared and signed by each expert witness), and the full disclosures required by Rule 26(a)(2)(C), shall be made as follows:
  - a. Identification of experts who may be used at trial to present evidence under Fed. R. Evid. 702, 703, or 705 on issues for which the party bears the burden of proof, and full disclosures required by Rule 26(a)(2)(B) and 26(a)(2)(C) on or before ~~July 16, 2021~~ **August 20, 2021**.
  - b. Identification of experts who may be used at trial to present evidence under Fed. R. Evid. 702, 703, or 705 on issues for which the party does not bear the burden of proof, and full disclosures required by Rule 26(a)(2)(B) and 26(a)(2)(C) on or before ~~August 16, 2021~~ **September 20, 2021**.
  - c. Rebuttal identities and disclosures on or before ~~September 10, 2021~~ **October 15, 2021**.
2. Expert discovery, including depositions, shall be completed by ~~October 8, 2021~~ **November 12, 2021**.
3. Absent leave of Court for good cause shown, and notwithstanding any deadlines and provision for amendments in the sections relating to infringement contentions claims charts and prior art statements, the foregoing deadlines for expert discovery shall govern regardless of whether the Court has issued its claim construction order. If no claim construction order has issued by the time of an applicable deadline for expert disclosure, a party's expert disclosures must set forth any opinions on infringement and /or invalidity based on either party's proposed claim constructions as to which opinions the party may ultimately seek to elicit testimony at trial.

If the claim construction order is issued before or during the expert discovery schedule set out above, the parties will promptly meet and confer and then seek a telephone conference with the Court regarding whether the deadlines for expert discovery should be further amended.

