

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

WOODWAY USA, INC.,  
Plaintiff,  
v.  
LIFECORE FITNESS, INC., dba Assault  
Fitness,  
Defendant.

Case No.: 22cv492-JO(BLM)

**CASE MANAGEMENT ORDER  
REGULATING DISCOVERY AND  
OTHER PRETRIAL PROCEEDINGS  
IN A PATENT CASE**

On August 23, 2022, the Court held a videoconference Early Neutral Evaluation Conference (“ENE”) in the above-titled action. ECF No. 22. Settlement of the case could not be reached during the ENE and the Court therefore conducted a Case Management Conference (“CMC”) pursuant to Rule 16.1(d) of the Local Rules. Id. After consulting with the attorneys of record for the parties and being advised of the status of the case, and good cause appearing, **IT IS HEREBY ORDERED:**

1. On or before **September 6, 2022**, each party claiming patent infringement shall separately serve on all parties a Disclosure of Asserted Claims and Preliminary Infringement pursuant to Patent L.R. 3.1 and produce documents as required by Patent L.R. 3.2.

2. Any motion to join other parties, to amend the pleadings, or to file additional

1 pleadings shall be filed before Judge Ohta by **September 20, 2022**

2 3. On or before **November 7, 2022**, each party opposing a claim of infringement  
3 shall serve Invalidity Contentions pursuant to Patent L.R. 3.3 and produce documents as  
4 required by Patent L.R. 3.4.

5 4. On or before **November 14, 2022**, the parties shall identify and exchange  
6 proposed terms and claim elements for construction.

7 5. On or before **November 21, 2022**, the parties shall exchange Preliminary  
8 Claim Constructions pursuant to Patent L.R. 4.1(a) and identify extrinsic evidence as  
9 required by Patent L.R. 4.1(b).

10 6. On or before **December 5, 2022**, the parties shall exchange Responsive Claim  
11 Constructions pursuant to Patent L.R. 4.1(c) and identify extrinsic evidence as required by  
12 Patent L.R. 4.1(d).

13 7. On or before **December 19, 2022**, parties shall complete and file a Joint Claim  
14 Construction Chart, Joint Claim Construction Worksheet, and Joint Hearing Statement  
15 pursuant to Patent L.R. 4.2.

16 8. The deadline for filing, as of right, Amended Infringement Contentions by a  
17 party claiming infringement is **December 19, 2022**. See Patent L.R. 3.6(a).

18 9. All discovery intended for use in the Claim Construction Hearing must be  
19 completed by **January 17, 2023**. See Patent L.R. 4.3.

20 10. The deadline for filing, as of right, Amended Invalidity Contentions by the  
21 party opposing infringement is **January 17, 2023**. See Patent L.R. 3.6(b)

22 11. On or before **January 31, 2023**, the parties must file simultaneously their  
23 Opening Claim Construction Briefs. See Patent L.R. 4.4(a).

24 12. On or before **February 14, 2023**, the parties must file simultaneously their  
25 Responsive Claim Construction Briefs. See Patent L.R. 4.4(b).

26 13. The Claim Construction and tutorial hearing will be held **March 1, 2023**, at  
27 **9:30 a.m.** before **District Judge Jinsook Ohta**. See Patent L.R. 4.5.

28 14. Not later than thirty (30) days after the filing of the Claim Construction Order,

1 any party relying upon advice of counsel as part of a patent-related claim or defense for  
2 any reason must make the disclosures required by Patent L.R. 3.7

3 15. A party asserting infringement must serve final amended infringement  
4 contentions, within the meaning of Patent L.R. 3.6(a)(1), not later than thirty (30) days  
5 after service of the Court's Claim Construction Ruling.

6 16. A party opposing a claim of infringement must serve final amended invalidity  
7 contentions, within the meaning of Patent L.R. 3.6(b)(2), not later than fifty (50) days after  
8 service of the Court's Claim Construction ruling.

9 17. The initial date for the substantial completion of document discovery  
10 including electronically stored information ("ESI") is **February 20, 2023**. See Patent L.R.  
11 2.1(a)(1).

12 18. The Court will issue an order setting the remaining deadlines after the order  
13 on claim construction issues.

14 19. The dates and times set forth herein will not be modified except for good cause  
15 shown.

16 20. Plaintiff's counsel shall serve a copy of this order on all parties that enter this  
17 case hereafter.

18 **IT IS SO ORDERED.**

19 Dated: 8/24/2022

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21 Hon. Barbara L. Major  
22 United States Magistrate Judge  
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