

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

|                                  |   |                            |
|----------------------------------|---|----------------------------|
| TSTEIGEN, INC. and HONGJIA WANG, | ) |                            |
|                                  | ) |                            |
| Plaintiffs,                      | ) |                            |
|                                  | ) | No. 21-cv-2759 (JWB/JFD)   |
| v.                               | ) |                            |
|                                  | ) |                            |
| VIKING DRILL & TOOL, INC.,       | ) | <b>JURY TRIAL DEMANDED</b> |
|                                  | ) |                            |
| Defendant.                       | ) |                            |
|                                  | ) |                            |

**ORDER ON STIPULATION TO AMEND PRETRIAL MANAGEMENT ORDER**

Based upon the stipulation of the parties (Dkt. No. 95), and good cause having been shown, IT IS HEREBY ORDERED that the Pretrial Case Management Order entered in this matter (Dkt. No. 21) is amended as set forth below. The parties' attention is directed to changes the Court made to the stipulated pretrial management order they submitted. First, all dates described by the parties in format such as "14 days after an event" have been replaced with actual calendar dates. Second, the deadline for non-dispositive motions relating to fact discovery has been made the last day of fact discovery and the deadline for non-dispositive motions relating to expert discovery has been made the last day of expert discovery. Having the non-dispositive motion deadline come a month after these deadlines, as the parties requested, would mean that a successful motion to compel (to take an example) would require modification of the scheduling order and extension of deadlines.

| Event                                                                                                                                                          | Existing Deadline | Proposed New Deadline |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------------|
| Parties to jointly contact the Courtroom Deputy for District Judge Jerry W. Blackwell to apprise him of developments and to hold the <i>Markman</i> hearing in | None              | February 20, 2023     |

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| <b>Event</b>                                                                                                                                                                     | <b>Existing Deadline</b> | <b>Proposed New Deadline</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------|
| abeyance pending parties' amended contentions <sup>1</sup>                                                                                                                       |                          |                              |
| Plaintiffs to file and serve the Amended Complaint detailing Plaintiffs' claims concerning the '424 patent                                                                       | None                     | March 3, 2023                |
| Defendant to Answer or otherwise respond to the Amended Complaint                                                                                                                | None                     | March 17, 2023               |
| Plaintiffs will Answer or otherwise respond to Counterclaims, if any                                                                                                             | None                     | March 31, 2023               |
| Parties to supplement their initial disclosures under Rule 26(a)(1), limited to the '424 patent                                                                                  | None                     | March 17, 2023               |
| Plaintiffs to serve their Patent Claim Chart for the '424 patent <sup>2</sup> and their amended Patent Claim Chart to include DOE contentions for the currently Asserted Patents | None                     | March 10, 2023               |
| Defendant to serve its Claim Charts concerning the '424 patent, and concerning DOE contentions for the currently Asserted Patents                                                | None                     | March 24, 2023               |
| Defendant to serve its Prior Art Chart and Invalidity                                                                                                                            | None                     | April 14, 2023               |

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<sup>1</sup> The parties' contentions concerning the '424 patent as well as amended contentions concerning the currently Asserted Patents, as set forth herein, shall comply with the requirements of the Order. Dkt. No. 21 at pp. 9-10 (¶¶ 1, 2); pp. 13-14 (¶¶ 1, 2).

<sup>2</sup> Plaintiffs will limit their allegations to no more than eight (8) claims of the '424 patent.

| Event                                                                                                                                                                                                                                                                                                       | Existing Deadline | Proposed New Deadline |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------------|
| Statement concerning the '424 patent and amended Prior Art Chart and Invalidity Statement concerning Plaintiffs' DOE contentions for the currently Asserted Patents                                                                                                                                         |                   |                       |
| Plaintiffs to serve their Prior Art Chart and Responsive Invalidity Statement in response to Defendant's Prior Art Chart and Invalidity Statement concerning the '424 patent and amended Prior Art Chart and Invalidity Statement concerning Plaintiffs' DOE contentions for the currently Asserted Patents | None              | May 5, 2023           |
| Parties to jointly contact the Courtroom Deputy for District Judge Jerry W. Blackwell as to whether the parties believe any supplemental and/or additional claim construction exchanges and briefing is necessary, as well as schedule for the same                                                         | None              | May 19, 2023          |
| Supplemental document production to be substantially completed                                                                                                                                                                                                                                              | None              | May 10, 2023          |
| Close of fact discovery                                                                                                                                                                                                                                                                                     | 03/02/2023        | July 10, 2023         |
| Non-dispositive motions for fact discovery to be filed and served                                                                                                                                                                                                                                           | 03/16/2023        | July 10, 2023         |

| Event                                                                                                                                                     | Existing Deadline | Proposed New Deadline |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------------|
| Identification and reports as to experts on issues for which party has the burden of proof                                                                | 03/16/2023        | August 11, 2023       |
| Identification and reports as to experts on issues for which party does not have the burden of proof, and Plaintiffs' experts on secondary considerations | 04/13/2023        | September 8, 2023     |
| Defendant's reports addressing secondary considerations                                                                                                   | 04/27/2023        | September 22, 2023    |
| Close of expert discovery                                                                                                                                 | 06/01/2023        | October 20, 2023      |
| Non-dispositive motions for expert discovery to be filed and served                                                                                       | 6/15/ 2023        | October 20, 2023      |
| Dispositive and/or <i>Daubert</i> motions to be filed and served                                                                                          | 07/28/2023        | December 20, 2023     |
| Trial ready                                                                                                                                               | 08/25/2023        | March 20, 2024        |

IT IS SO ORDERED

Dated: February 17, 2023

*s/ John F. Docherty*  
JOHN F. DOCHERTY  
United States Magistrate Judge