

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-61407-CIV-SMITH

SHENZHEN HAPPY VAPING
TECHNOLOGY LTD.,

Plaintiff,

v.

LOGIC TECHNOLOGY
DEVELOPMENT LLC, and
JAPAN TOBACCO INTERNATIONAL
U.S.A., INC.,

Defendants.

**JOINT PROPOSED SCHEDULING ORDER SETTING
CIVIL TRIAL DATE AND PRETRIAL SCHEDULE**

THIS CAUSE is set for trial during the Court's two-week trial calendar beginning on **August 12, 2024**. If the case cannot be tried during the two-week period, it will be re-set for each successive trial calendar until it is tried or resolved. The **Calendar Call** will be held at **9:00 a.m. on Tuesday, August 6, 2024**. The parties shall adhere to the following schedule:

- | | |
|--|------------------|
| 1. Joinder of any additional parties and filing of motion to amend the pleadings by | 4/24/2023 |
| 2. Parties shall select a mediator pursuant to Local Rule 16.2 and shall schedule a time, date, and place for mediation by | 5/1/2023 |
| 3. Parties shall exchange Terms for Claim Construction by | 7/3/2023 |
| 4. Parties shall exchange Preliminary Claims Constructions and Extrinsic Evidence | 7/24/2023 |
| 5. Parties must meet and confer to discuss claim terms in dispute by | 8/7/2023 |
| 6. Deadline for Joint Claims Construction and Prehearing Statement including claim construction expert disclosures | 8/28/2023 |

- | | |
|--|-------------------|
| 7. Deadline for rebuttal claim construction expert disclosures by | 9/11/2023 |
| 8. Deadline for Parties' Claim-Construction Opening Briefs | 10/1/2023 |
| 9. Deadline for Parties' Claim-Construction Response Briefs | 10/15/2023 |
| 10. Deadline for Written lists containing the names and addresses of all fact witnesses intended to be called at trial by | 7/14/2023 |
| 11. Claim Construction (Markman) Hearing | 11/5/2023 |
| 12. Fact discovery shall be completed by | 11/23/2023 |
| 13. Deadline for Final Infringement Contentions | 12/1/2023 |
| 14. Parties that bear the burden of proof on an issue shall provide supplemental expert witness reports as required by Fed. R. Civ. P. 26(a)(2) by | 12/15/2024 |
| 15. Parties without the burden of proof on an issue shall provide supplemental expert witness reports as required by Fed. R. Civ. P. 26(a)(2) by | 12/29/2024 |
| 16. Parties that bear the burden of proof on an issue shall disclose rebuttal expert witness summaries and reports as required by Fed. R. Civ. P. 26(a)(2) by | 1/9/2024 |
| 17. Deadline for Expert Discovery. Expert discovery shall be completed by | 1/23/2024 |
| 18. Mediation shall be completed by
[no more than one month after the close of discovery] | 11/30/2023 |
| 19. Dispositive motions, including summary judgment and <i>Daubert</i> , shall be filed by
[at least four months before the date for filing the Pretrial Stipulation] | 2/13/2024 |
| 20. Deposition designations and counter designations shall be filed by
[at least two months before Trial date] | 6/14/2024 |

The Parties shall meet and confer prior to submitting the deposition designations and counter-designations in a good faith effort to resolve objections. Failure to comply with deadline and the meet and confer may result in objections being stricken or other appropriate sanctions.

21. All pretrial motions and memoranda of law, including motions *in limine*, shall be filed by 7/15/2024
[at least one month before Trial date]

Prior to filing any motions *in limine*, the parties shall meet and confer in a good faith effort to resolve any issues. If a party has multiple motions *in limine*, they shall be filed as a single omnibus motion. All motions *in limine* and the responses shall be limited to one page per issue. No replies shall be permitted.

22. Joint pretrial stipulation, deposition designations and counter-designations, proposed joint jury instructions, proposed joint verdict form, and/or proposed findings of fact and conclusions of law shall be filed by 7/15/2024
[at least one month before Trial date]

When the parties cannot agree on specific jury instructions, the submitted instructions shall clearly indicate which party has proposed the specific instruction. The parties shall meet and confer prior to submitting the deposition designations and counter-designations in a good faith effort to resolve objections.

23. Deadline for Electronic Versions of Documentary Exhibits and Certificates of Compliance Re: Admitted Evidence 7/28/2024

DONE AND ORDERED in Fort Lauderdale, Florida, this 22nd day of December, 2022.



RODNEY SMITH
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record