

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SHARKNINJA OPERATING LLC,
SHARKNINJA SALES COMPANY,
OMACHRON ALPHA INC., and
OMACHRON INTELLECTUAL
PROPERTY INC.

Plaintiffs

v.
DYSON, INC. and DYSON TECHNOLOGY
LIMITED,

Defendants

C.A. No. 1:23-cv-12372-ADB

JURY TRIAL DEMANDED

THE PARTIES' REVISED PROPOSED SCHEDULE

Pursuant to Rule 16.6 of the Local Civil Rules for the District of Massachusetts, this Court's Order (ECF No. 84), and instruction during the Parties' November 8, 2023, Initial Scheduling Conference, Plaintiffs SharkNinja Operating LLC, SharkNinja Sales Company, Omachron Alpha Inc., and Omachron Intellectual Property Inc. (collectively, "Plaintiffs" or "SharkNinja") and Defendants Dyson, Inc. and Dyson Technology Limited ("Dyson") (collectively, the "Parties"), by and through their undersigned counsel, submit the following revised proposed schedule and memorialization of the Court's instruction regarding discovery limitations joint discovery plan.

I. PROPOSED SCHEDULE

Event	Joint Proposed Date
Parties Submit Proposed Protective Order	Friday, December 8, 2023
Parties Submit Proposed ESI Discovery Protocol	
Deadline for Patentee's Preliminary Patent-Related Disclosures Pursuant to Local Rule 16.6(d)(1)	Friday, December 15, 2023

Event	Joint Proposed Date
Deadline for Conference Concerning Preliminary Patent Disclosures Pursuant to Local Rule 16.6(d)(2)	Wednesday, January 10, 2024
Deadline for Accused Infringer's Preliminary Production of Technical Documents, Source Code, and Samples of Accused Products Pursuant to Local Rule 16.6(d)(4)(A-D)	Wednesday, January 31, 2024
Deadline for Accused Infringer's Invalidity Claim Charts Pursuant to Local Rule 16.6(d)(4)(E)	Friday, March 15, 2024
Deadline for Simultaneous Exchange of Claim Terms to Be Construed and Their Proposed Claim Constructions Pursuant to Local Rule 16.6(e)(1)(A)	Friday, April 5, 2024
Deadline for Conference Concerning Claim Construction Pursuant to Local Rule 16.6(e)(1)(B)	Friday, April 12, 2024
Deadline for Joint Statement of the Number of Claims and Terms to be Construed and Their Proposed Constructions Pursuant to Local Rule 16.6(e)(1)(D)	Friday, April 19, 2024
Deadline for Simultaneous Exchange of Opening Claim Construction Briefs pursuant to Local Rule 16.6(e)(2)	Friday, May 10, 2024
Deadline for Amending Pleadings and Joinder of Additional Parties Without Leave of Court	Friday, May 10, 2024
Deadline for Simultaneous Exchange of Responsive Claim Construction Briefs pursuant to Local Rule 16.6(e)(4)	Friday, June 21, 2024
Deadline to Submit Tutorials, if any, to the Court pursuant to Local Rule 16.6(e)(6)	14 days before the claim construction hearing
Claim Construction Hearing	On or about Tuesday, July 16, 2024, at the Court's convenience
Substantial Completion of Document Production	Friday, July 19, 2024
Fact Discovery Closes	Monday, September 23, 2024
Deadline to Serve Opening Expert Reports on Issues Where the Party Bears the Burden of Proof	Friday, October 25, 2024
Deadline to Serve Rebuttal Expert Reports on Issues Where the Party Does Not Bear the Burden of Proof	Friday, November 22, 2024
Expert Discovery Closes	Friday, December 20, 2024

Event	Joint Proposed Date
Deadline for Filing Dispositive Motions (including <i>Daubert</i>)	Friday, February 14, 2025
Deadline for Response to Dispositive Motions	Friday, April 11, 2025
Deadline for Replies re: Dispositive Motions	Friday, May 9, 2025
Pretrial Conference	On or about Monday, June 16, 2025, at the Court's convenience
Trial	On or about Monday, July 21, 2025, at the Court's convenience

II. JOINT DISCOVERY PLAN

A. Discovery Limitations

1. Requests for Admissions – 25 per side
2. Requests for Production – up to 2 separate sets per side
3. Interrogatories – 25 per side
4. Depositions – 15 per side

Dated: December 1, 2023

By: /s/ Jay Emerick

Kristina Cary (BBO #688759)
KIRKLAND & ELLIS LLP
 200 Clarendon Street
 Boston, MA 02116
 Tel: 617-385-7500
 Fax: 617-385-7501
 kristina.cary@kirkland.com

Bryan S. Hales, P.C.
 Jay Emerick
 Adam Janes
KIRKLAND & ELLIS LLP
 300 N. LaSalle
 Chicago, IL 60654

By: /s/ Joseph J. Mueller

Joseph J. Mueller
 WILMER CUTLER PICKERING HALE AND
 DORR LLP
 60 State Street
 Boston, Massachusetts 02109
 (617) 526-6000
 joseph.mueller@wilmerhale.com

Todd C. Zubler (*pro hac vice*)
 WILMER CUTLER PICKERING HALE AND
 DORR LLP
 2100 Pennsylvania Avenue NW
 Washington, DC 20037
 (202) 663-6000

Tel: 312.862.2000
Fax: 312.862.2200
bryan.hales@kirkland.com
jay.emerick@kirkland.com
adam.janes@kirkland.com

Attorneys for Defendants

todd.zubler@wilmerhale.com

Omar A. Khan (*pro hac vice*)
Jeffrey A. Dennhardt (*pro hac vice*)
WILMER CUTLER PICKERING HALE AND
DORR LLP
7 World Trade Center
250 Greenwich Street
New York, New York 10007
(212) 230-8800
omar.khan@wilmerhale.com
jeffrey.dennhardt@wilmerhale.com

OF COUNSEL:

Brian A. Rosenthal (*pro hac vice*)
Benjamin Hershkowitz (*pro hac vice*)
Vivian Lu (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166
(212) 351-4000

Brian Buroker (*pro hac vice*)
Wendy W. Cai (*pro hac vice*)
A. David Brzozowski (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
1050 CONNECTICUT AVENUE, N.W.
WASHINGTON, DC 20036-5306
(202) 955-8500

Robert Vincent (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
2001 ROSS AVENUE
DALLAS, TX 75201-2923
(214) 698-3100

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on December 1, 2023.

/s/ Joseph J. Mueller