

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

SENKO ADVANCED COMPONENTS,
INC.,

Plaintiff,

V.

US CONEC, LTD.,

Defendant.

Case No. 1:23-cv-00083-JPM

SCHEDULING ORDER

This is an action for patent infringement under 35 U.S.C. § 101, *et seq.* (ECF No. 40 at ¶ 4.) Plaintiff alleges that Defendant infringes or has infringed U.S. Patent No. 11,307,369 (“the ’369 Patent”), U.S. Patent No. 11,333,836 (“the ’836 Patent”), U.S. Patent No. 11,340,413 (“the ’413 Patent”), U.S. Patent No. 11,415,760 (“the ’760 Patent”), U.S. Patent No. 10,191,230 (“the ’230 Patent”), U.S. Patent No. 11,181,701 (“the ’701 Patent”), U.S. Patent No. 11,061,190 (“the ’190 Patent”), U.S. Patent No. 11,391,895 (“the ’895 Patent”), U.S. Patent No. 11,435,535 (“the ’535 Patent”), U.S. Patent No. 11,585,989 (“the ’989 Patent”), U.S. Patent No. 11,774,685 (“the ’685 Patent”), and U.S. Patent No. 11,809,006 (“the ’006 Patent”) (collectively the “Plaintiff Asserted Patents”). (*Id.* at ¶ 32.) The Asserted Patents generally relate to the field of fiber optic connectors, adapters, and related components. The table below contains a more detailed description of each patent. Plaintiff has asserted infringement by US Conec’s VSFF product lines. (*Id.* at ¶ 96.)

Defendant has counterclaimed for patent infringement under 35 U.S.C. § 101, *et seq.* and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. (ECF No. 42 at ¶ 3.) Defendant alleges that Plaintiff has infringes or has infringed U.S. Patent No. 10,156,684 (“the ’684 Patent”), U.S. Patent No. 10,890,723 (“the ’723 Patent”), U.S. Patent No. 11,385,415 (“the ’415 Patent”), and U.S. Patent No. 11,340,405 (“the ’405 Patent”) (collectively “Defendant Asserted Patents”). (*Id.* at ¶ 6.) The table below contains a more detailed description of each patent. Defendant has asserted infringement by Senko’s SN, SN-MT, and CS branded fiber optic connectivity products. (*Id.* at ¶¶ 40-3.)

Plaintiff Asserted Patents			
Patent No.	Title	Brief Description	Asserted Claims
'369 Patent	Ultra – Small Form Factor Optical Connectors Used As Part Of A Reconfigurable Outer Housing.	The '369 Patent relates generally to certain claimed latching and unlatching features in a very small form fiber optic connector.	At least claims 1-20 and 22-39.
'836 Patent	Adapter for Optical Connectors	The '836 Patent relates generally to a partition-free adapter for aligning and latching with multiple VSFF connectors.	At least claims 3-5.
'413 Patent	Ultra - Small Form Factor Optical Connectors Used As Part Of A Reconfigurable Outer Housing	The '413 Patent relates to a multi-fiber VSFF optical connector with a polarity key that is integrated with a pullback extraction mechanism.	At least claims 1-8, 13-18, and 20-28.
'760 Patent	Narrow Width Adapters And Connectors With Pull Tab Release	The '760 Patent relates generally to a multi-fiber VSFF connector with a low profile sliding interface between the connector housing and pullback remote release mechanism.	At least claims 1-4, 12, 13, and 15-17.
'230 Patent	Optical Connectors With Reversible Polarity	The '230 Patent and the '230 Reexamination Certificate generally relate to duplex VSFF connectors with upper and lower couplings that facilitate polarity reversal.	At least claims 1,6,9,11, and 26-34.
'701 Patent	Optical Connectors With Reversible Polarity And Method Of Use	The '701 Patent generally relates to duplex VSFF connectors with removable latch elements that facilitate polarity reversal.	At least claims 1-53.
'190 Patent	Small Form Factor Fiber Optic Connector With Multi – Purpose Boot Assembly	The '190 Patent generally relates to a duplex VSFF connector with a rotatable boot that can both (i) rotate to reverse the polarity of the connector and (ii) be pulled back to	At least claims 1-3, and 6-20.

		release the connector from an adapter.	
'895 Patent	Optical Fiber Connector With Changeable Polarity	The '895 Patent generally relates to a fiber optic connector with top and bottom grooves that can selectively accept the tongue of a polarity change element in order to locate a key portion of the polarity change element on a connector housing for changing polarity.	At least claim 1.
'535 Patent	Behind The Wall Optical Connector With Reduced Components	The '535 Patent generally relates to a VSFF duplex adapter with behind-the-wall ports and non-behind-the-wall ports.	At least claim 1.
'989 Patent	Small Form Factor Fiber Optic Connector With Multi-Purpose Boot	The '989 Patent generally relates to a duplex VSFF connector with a rotatable boot that can both (i) rotate to reverse the polarity of the connector and (ii) be pulled back to release the connector from an adapter.	At least claims 1 and 5.
'685 Patent	Adapter For Optical Connectors	The '685 Patent generally relates to a partition-free adapter for aligning and latching with multiple VSFF connectors.	At least claim 1.
'006 Patent	Ultra-Small Form Factor Optical Connectors Used As Part Of A Reconfigurable Outer Housing	The '006 Patent generally relates to VSFF connectors with top-mounted push-pull latch release mechanisms.	At least claim 1.

Defendant Asserted Patents			
Patent No.	Title	Brief Description	Asserted Claims
'684 Patent	Alignment Adapter and Alignment Design for a Connector Therefor	The '684 Patent relates generally to adapters for aligning and connecting fiber optic ferrules in fiber optic connectors.	At least claim 1.

'723 Patent	Alignment Adapter and Alignment Design for a Connector Therefor	The '723 Patent relates generally to adapters for aligning and connecting fiber optic ferrules in fiber optic connectors.	At least claim 1.
'415 Patent	Alignment Adapter and Alignment Design for a Connector Therefor	The '415 Patent relates generally to adapters for aligning and connecting fiber optic ferrules in fiber optic connectors.	At least claim 12.
'405 Patent	Multi-Ferrule Angled Polished Connector with Simplified Polarity Reversal	The '405 Patent relates generally to adapters for aligning and connecting fiber optic ferrules in fiber optic connectors.	At least claim 1.

This Cause was before the Court on March 12, 2024, for a Video Scheduling Conference pursuant to Rule 16 of the Federal Rules of Civil Procedure and District of Delaware Local Rule 16.1. Counsel present for Plaintiff Senko Advanced Components, Inc. ("Senko") were Anne She Gaza, Kevin D. Conneely, Robert M. Vrana, and Timothy D. Krieger. Counsel present for Defendant US Conec, Ltd. ("Conec") were Jack B. Blumenfeld, Joshua Weeks, Kirk T. Bradley, Michael J. Newton, and Yuri Mikulka. Also, Conec's corporate representative Rushi Singupta was present. The transcript of the Rule 16(b) conference establishes a number of undisputed facts, as well as documents to be produced and witness identities.

At the Video Scheduling Conference, the following dates were established as the final deadlines for:

LPR	Item	Date
LPR 2.1(d)	Patent Scheduling Conference (PSC)	March 12, 2024
	Parties Submit Proposed Protective Order	March 26, 2024
FRCP 26(a)(1); LR App'x H	Rule 26(a)(1) Initial Disclosures	April 17, 2024
LPR 3.1-3.2	Initial Infringement Contentions	April 17, 2024
LR App'x H	Motions to Amend Pleadings or Join Parties	August 12, 2024
	Motions to Dismiss (not anticipated)	August 31, 2024

LPR 3.3-3.4	Initial Non-infringement Contentions AND Document Production Accompanying Initial Non-infringement Contentions	May 21, 2024
	Parties Report on the Claims of the Patents at Issue Following a Meet and Confer	May 28, 2024
LPR 3.5-3.6	Initial Invalidity and Unenforceability Contentions and Document Production Accompanying Invalidity and Unenforceability Contentions	July 1, 2024
LPR 3.7	Initial Validity and Enforceability Contentions	September 16, 2024
LPR 4.1(a)	Preliminary Identification of Claim Terms to be Construed	October 14, 2024
LPR 4.1(c)	Final Identification of Claim Terms to be Construed	November 4, 2024
LPR 4.2(a)-(b)	Preliminary Claim Constructions and Supporting Material	December 4, 2024
LPR 4.3(a)	Initial Expert Claim Construction Reports	February 10, 2025
LPR 4.3(b)	Rebuttal Expert Claim Construction Reports	March 12, 2025
LPR 4.3(c)	Completion of Expert Claim Construction Discovery	March 26, 2025
LPR 4.2(c)	Final Claim Construction	April 23, 2025
LPR 4.4(a)	Opening Claim Construction Briefs	May 14, 2025
LPR 4.4(b)	Responsive Claim Construction Briefs	June 13, 2025
LPR 4.5	Joint Claim Construction and Prehearing Statement	June 27, 2025
LPR 4.6	Video Claim Construction Hearing (CCR)	July 28, 2025 at 9:30 a.m. CT/ 10:30 a.m. ET
LPR 4.8	Production of Written Advice of Counsel	90 Days before the Close of Fact Discovery (or 15 days after the Court's Claim Construction Ruling is issued, whichever is later)

LPR 3.8 (a)	Final Infringement Contentions	Within 14 days after the Court's Claim Construction Ruling is issued
LPR 3.8(b) and 3.8(c)	Final Non-infringement Contentions, Final Invalidity and Unenforceability Contentions	Within 45 days after the Court's Claim Construction Ruling is issued
LPR 4.7	Status Conference	Within 30 days of the Court's Claim Construction Ruling
LPR 5.1(b)	Initial Expert Witness Disclosures	Within 90 days after the Court's Claim Construction Ruling is issued
LPR 5.1(c)	Rebuttal Expert Witness Disclosures	Within 30 days after service of the Initial Expert Witness Disclosures, pursuant to LPR 5.1(b)
LPR 5.2	Completion of Depositions of Experts	Within 60 days after service of Rebuttal Expert Witness Disclosure
LPR 6.1	Filing Dispositive Motions	Within 30 days after the scheduled date for the end of expert discovery as provided in LPR 5.1 and 5.2
LPR 5.1 and 5.2	Filing Daubert Motions	Within 30 days after the scheduled date for the end of expert discovery as provided in LPR 5.1 and 5.2
LPR 6.2	Trial	Within 120 days after the deadline for filing dispositive motions

Additional deadlines will be established following the issuance of the Court's Claim Construction Ruling during a status conference which will be scheduled after the Court issues the Claim Construction Ruling.

COMPLETING ALL DISCOVERY:

WRITTEN DISCOVERY: Non-expert written discovery must be served such that the responses are due no later than the close of fact discovery. Except by later written stipulation or Court Order, a maximum of 50 requests for admission are permitted for each side. Except by later Court order or written stipulation permitting a higher number, a maximum of 25 interrogatories, including contention interrogatories, are permitted for each side.

DEPOSITIONS: Each side is limited to a total of 175 hours of taking testimony by deposition upon oral examination. Any party or representative (officer, director, or managing agent) of a party filing a civil action in this district court must ordinarily be required, upon request, to submit to a deposition at a place designated within this district. Exceptions to this general rule may be made by prior order of the Court or by prior written agreement of the parties.

ELECTRONIC DISCOVERY: The parties HAVE NOT agreed to an electronic discovery plan. The parties anticipate agreeing to the District of Delaware's Default Standard for Discovery, Including Discovery of Electronically Stored Information ("ESI"), with certain modifications, and anticipate filing a stipulation for the Court's approval by April 29, 2024. Absent a timely, specific agreement by the parties, the default standard for e-discovery set forth in W.D. Tenn. Local Rule 26.1(e) applies.

CLAIM CONSTRUCTION HEARING:

For efficient management of the case and to conserve the Court's resources, the parties will meet and confer to seek ways to limit the number of the asserted patents and the number of asserted claims per patent and submit a report concerning those proposed limits to the Court by May 28, 2024. The parties will confer prior to the Claim Construction Hearing and submit a proposal to the Court concerning the below issues at least 14 days before the Claim Construction Hearing.

- a. Order of presentation: TBD
- b. Anticipated number of witnesses: TBD
- c. Anticipated length of hearing: Schedule more than one session of the Markman hearing to allow for an orderly and manageable presentation of the issues.

OTHER RELEVANT MATTERS:

The Local Patent Rules of the Western District of Tennessee shall govern issues related to patents. The Local Rules of the District of Delaware shall govern all other issues.

The parties HAVE consented, pursuant to Fed. R. Civ. P. 5(b)(2)(E), to the electronic exchange of pleadings, notices, discovery, and other mandated disclosures not otherwise served electronically via the Court's Electronic Case Filing system.

Pursuant to agreement of the parties, if privileged or protected information is inadvertently produced, the producing party may, by timely notice, assert the privilege or protection and obtain the return or sequester of the materials without waiver.

All motions, discovery requests, or other filings that require a response must be filed sufficiently in advance of the discovery deadline to enable the opposing party to respond by the time permitted by the Rules prior to that date.

No depositions may be scheduled to occur after the discovery deadline. All discovery requests or other discovery-related filings that require a response must be filed sufficiently in advance of the discovery deadline to enable the opposing party to respond by the time permitted by the Rules prior to that date.

Prior to filing any Daubert motion or motion to compel discovery, the Parties must first move for a telephonic conference with the Court to discuss, outline, and narrow the Daubert and/or discovery-related issues before filing formal motions. Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection that is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection is waived. When the Parties move for a telephonic conference concerning Daubert and/or discovery issues, they must set out any relevant deadlines and provide at least two, mutually agreed on dates and times the telephonic conference may take place.

Should counsel find, after good faith efforts – including verbal communications among Delaware and Lead Counsel for all parties to the dispute – that they are unable to resolve a discovery-related issue, the moving party should file a motion for video conference with the Court to address the dispute. When the Parties move for a video conference concerning discovery issues, they must set out any relevant deadlines and provide at least three, mutually agreed on dates and times the video conference may take place. Subsequently, unless the Court orders otherwise, the parties will submit letter briefs, with the moving party to file a letter, not to exceed three (3) pages, outlining the issue(s) in dispute and its position on those issue(s), by no later than seven (7) calendar days before the scheduled video conference. The party opposing the motion shall file a responsive letter, not to exceed three (3) pages, outlining that party's reasons for its opposition, by no later than three (3) calendar days before the scheduled video conference. Should the Court find further briefing necessary upon conclusion of the video conference, the Court will order it. Alternatively, the Court may choose to resolve the dispute prior to the conference and will, in that event, cancel the conference. Motions to compel discovery are to be filed and served within 45 days of the default or service of the response, answer, or objection that is the subject of the motion. However, if such default or service occurs within 30 days before the discovery deadline, the motion to compel must be filed within 30 days after such default or service.

This case is set for a jury trial. The pretrial order deadline, pretrial conference date, and trial date will be set by separate Order.

All motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60, shall be accompanied by a proposed order in a word processing format sent to the ECF mailbox of the presiding judge.

The parties are required to consult prior to filing any motion (except motions filed pursuant to Fed. R. Civ. P. 12, 56, 59, and 60).

Consistent with W.D. Tenn. Local Rule 7.2(a)(1)(B), the parties are required to consult prior to filing any motion (except motions filed pursuant to Fed. R. Civ. P. 12, 56, 59, and 60). The opposing party must file a response to any opposed motion. Also, consistent with W.D. Tenn. Local Rule 7.2(a)(2), a party's failure to respond timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.

The opposing party must file a response to any opposed motion. A party's failure to respond timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.

Neither party may file an additional reply to any motion, other than a motion filed pursuant to Fed. R. Civ. P. 12(b) or 56. As contemplated by W.D. Tenn. Local Rule 7.2(c), if a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required within seven days of service of the response. Consistent with W.D. Tenn. Local Rules 12.1(c) and 56.1(c), a party moving for summary judgment or to dismiss may file a reply within 14 days after being served with the response in opposition to the motion.

The parties do not consent to trial before the Magistrate Judge.

The parties agree that unless expressly agreed otherwise by counsel in writing or by order of the Court, the filing/service deadlines remain 5 pm ET as indicated in the District of Delaware's local rules.

This order has been entered after consultation with the parties. Absent good cause shown, the deadlines set by this order will not be modified or extended.

IT IS SO ORDERED, this 12th day of March, 2024.

/s/ Jon P. McCalla

JON P. McCALLA
UNITED STATES DISTRICT JUDGE