

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

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VERMONT SAFETY DEVELOPMENTS
LLC,

Plaintiff

v.

HEAD SPORT GmbH,

Defendant.

Case No. 2:23-cv-00089

SECOND AMENDED STIPULATED DISCOVERY SCHEDULE/ORDER

Plaintiff Vermont Safety Developments LLC and Defendant Head Sport GmbH submit the following Second Amended Discovery Schedule pursuant to Local Rule 26(a)(2). Due to the nature and complexity of this case as a patent infringement action and the likely need for a claim construction process that impacts expert discovery, the parties respectfully request a slightly longer discovery schedule than the default requirement under the Local Rules.

INTRODUCTION

1. In this case, discovery may be needed on the following subjects: facts and opinions bearing upon alleged infringement and non-infringement of the patent in suit, such as research, development, manufacturing, marketing, offering for sale, and sale of the accused bindings; facts and opinions bearing upon the validity and enforceability of the patent in suit; facts and opinions bearing upon alleged willfulness of infringement; facts and opinions bearing upon damages from alleged infringement; and facts and opinions bearing upon any other claims or defenses raised by either party. Unless noted here to the contrary and in more detail, discovery in this matter shall not be conducted in phases or limited to particular, enumerated issues.

2. The parties have conferred about disclosure, discovery, and preservation of electronically stored information (“ESI”). Unless noted otherwise, ESI shall be produced in the following format(s): searchable PDFs and, where searchable PDF format is not reasonably feasible, native format.

3. The parties have conferred about claims of privilege and claims of protection as trial-preparation materials. For purposes of asserting these claims (including after production), the parties have agreed to follow the procedures set forth in Fed. R. Civ. P. 26(b)(5)(A)-(B) and in a stipulated protective/confidentiality order to be agreed upon and submitted by the parties. Unless specifically requested in a filing with this Court, the parties agreed procedures will not be the subject of a Court order under Federal Rule of Evidence 502.

4. Any changes in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the Local Rules for this District shall be specifically described below.

DEADLINES

Claim Construction

5. The parties shall prepare and file a joint claim construction statement on or before **July 17, 2024**.

6. The parties shall complete any claim construction discovery by **August 7, 2024**.

7. The parties shall contemporaneously file their opening claim construction briefs on or before **August 22, 2024**.

8. The parties shall contemporaneously file their responsive claim construction briefs on or before **September 10, 2024**.

9. The Court shall hold a claim construction hearing at an available time on or near **September 23, 2024**.

Discovery

10. The parties shall serve all interrogatories and requests for production within 3 weeks after the Court issues its opinion concerning disputed claim language.

11. The parties shall serve all requests for admission within 3 weeks after the Court issues its opinion concerning disputed claim language.

12. The parties shall substantially complete document production within 3 weeks after the Court issues its opinion concerning disputed claim language.

13. Depositions of all non-expert witnesses shall be completed within 9 weeks after the Court issues its opinion concerning disputed claim language.

Final Contentions

14. Plaintiff's final infringement contentions shall be served within 5 weeks after the Court issues its opinion construing disputed claim language. Defendant's final non-infringement and invalidity contentions shall be served within 7 weeks after the Court issues its opinion construing disputed claim language.

Expert Discovery

15. The parties shall submit expert witness reports on issues for which they bear the burden of proof within 14 weeks after the Court issues its opinion construing disputed claim language.

16. The parties shall submit rebuttal expert witness reports within 18 weeks after the Court issues its opinion construing disputed claim language.

17. Depositions of all expert witnesses shall be completed within 22 weeks after the Court issues its opinion construing disputed claim language. Because of the anticipated complexities of this patent infringement lawsuit, expert discovery shall be completed within 22

weeks after the Court issues its opinion construing disputed claim language.

Dispositive Motions

18. Motions, including summary judgment motions but excluding motions relating to the conduct of the trial, shall be filed within 26 weeks after the Court issues its opinion construing disputed claim language.

Trial

19. Subject to the timing of the Court's orders regarding claim construction and summary judgment, if any, this case shall be ready for trial by **October 2025**.

June 28, 2024

VERMONT SAFETY DEVELOPMENTS LLC

By: /s/ Thomas D. Kohler
Matthew S. Borick
Thomas D. Kohler
DOWNS RACHLIN MARTIN PLLC
199 Main Street, P.O. Box 190
Burlington, VT 05402-0190
(P) (802) 863-2375
(F) (802) 862-7512
mborick@drm.com
tkohler@drm.com

Attorneys For Plaintiff

June 28, 2024

HEAD SPORT GmbH

By: /s/ Aaron L. Parker

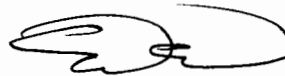
David M. Pocius
PAUL FRANK + COLLINS P.C.
P. O. Box 1307
Burlington, VT 05402-1307
(802) 658-2311
dpocius@pfclaw.com

Aaron L. Parker
Anthony J. Berlenbach
FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER, LLP
901 New York Avenue, NW
Washington, DC 20001-4413
Telephone: (202) 408-4000
aaron.parker@finnegan.com
anthony.berlenbach@finnegan.com

Attorneys For Defendant

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 1st day of July, 2024.



Geoffrey W. Crawford, Chief Judge
U.S. District Court