

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROGER P. JACKSON, M.D.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 20-1784 (RGA)
	)	
SEASpine HOLDINGS CORPORATION,	)	
	)	
Defendant.	)	

STIPULATION TO AMEND CASE SCHEDULE AND SET NEW TRIAL DATE

WHEREAS, the parties raised a number of discovery disputes with the Court on September 8, 2023 (D.I. 138);

WHEREAS, the Court held a discovery dispute conference on October 2, 2023, where it issued oral orders requiring the supplementation of discovery responses and the production of privilege logs on or before November 2, 2023;

WHEREAS, the parties acknowledged at the October 2 conference the need for a new schedule in view of the Court's rulings and in view of the fact that Defendant SeaSpine Holdings Corporation ("SeaSpine") retained new counsel in September 2023;

WHEREAS, at the conclusion of the October 2 conference, the Court directed the parties to discuss "extending the schedule" and to advise the Court as to their proposed changes to the schedule (10/2/23 Tr. at 47);

WHEREAS, the parties have continued to work towards the completion of fact discovery since the October 2 conference and have complied with the Court's October 2 rulings (*see, e.g.*, D.I. 149);

WHEREAS, SeaSpine anticipates completing document production in January 2024;

WHEREAS, the parties have agreed to conduct depositions of SeaSpine witnesses shortly after the completion of SeaSpine's document production; and

WHEREAS, in light of the parties' ongoing efforts to complete fact discovery, the parties request that the Court enter the below proposed amended case schedule, including by modifying the currently scheduled trial date;

IT IS HEREBY STIPULATED AND AGREED, by the parties, subject to the approval of the Court, that the date for completion of the remaining deadlines set forth in the Scheduling Orders (D.I. 42, D.I. 119, and 125), or otherwise agreed by the parties, are extended and/or set forth as follows:¹

Event	Current Deadline	Proposed Extension
Completion of SeaSpine Supplemental Document Production	-----	January 19, 2024
Date by Which SeaSpine will Begin Making its Witnesses Available for Deposition	-----	February 16, 2024
Close of Fact Discovery	September 15, 2023	March 1, 2024
Final Infringement Contentions	30 Days after the Court's Claim Construction Order	March 15, 2024
Final Invalidity Contentions	45 Days after the Court's Claim Construction Order	March 29, 2024
Opening Expert Reports	October 16, 2023	April 12, 2024
Rebuttal Reports	November 15, 2023	May 10, 2024
Reply Expert Report	December 6, 2023	May 31, 2024
Close of Expert Discovery	December 22, 2023	June 28, 2024
Case Dispositive Motions	January 25, 2024	July 26, 2024
Responses to Case Dispositive Motions	-----	August 23, 2024
Replies to Case Dispositive Motions	-----	September 13, 2024
Trial Sequencing Conference	March 22, 2024	Cancelled ²

¹ Counsel for the parties certify pursuant to LR 16.4(b) that they have informed their respective clients of the request to extend these deadlines.

² This case and the related *NuVasive* case (C.A. No. 21-53-RGA) are currently scheduled to have a first trial on June 10, 2024. See D.I. 42 ¶ 17 ("Original Scheduling Order"). Pursuant to paragraph 13 of the Original Scheduling Order, Plaintiff, SeaSpine and NuVasive are scheduled to attend a trial sequencing conference on March 22, 2024. Plaintiff and SeaSpine submit that modifying the trial date in this action should not affect the schedule in the *NuVasive* action, and that the trial sequencing conference is thus likely unnecessary and may be cancelled. Counsel for NuVasive was advised that Plaintiff and SeaSpine would request that the Court cancel the trial sequencing conference, and stated that NuVasive did not object to the request.

Event	Current Deadline	Proposed Extension
Pretrial Conference	May 24, 2024	November 22, 2024, at 9:00 a.m.
Trial	June 10, 2024	December 2, 2024, at 9:30 a.m.

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December 13, 2023

SO ORDERED this 13th day of December, 2023.

/s/ Richard G. Andrews
United States District Judge