UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHAMPION POWER EQUIPMENT, INC.,
Plaintiff,

v. **Case No. 24-C-1281**

GENERAC POWER SYSTEMS, INC.,
Defendant.

ORDER FOLLOWING SCHEDULING CONFERENCE

On March 12, 2025, the court held a scheduling conference in accordance with Fed. R. Civ. P. 16 and Civil L. R. 16(a) (E.D. Wis.).

IT IS ORDERED that:

1. Plaintiff shall serve infringement contentions and disclosure of asserted claims by **April 15, 2025**. Plaintiffs shall serve a claim chart that identifies: (1) which claim(s) are allegedly infringed; (2) the specific devices of defendant's that allegedly infringe each patent claim described in (1); and (3) where each element of each claim is found in each allegedly infringing device, including the basis for each contention that the element is present. If any of plaintiff's claims of infringement arise under a theory of indirect infringement (e.g., induced or contributory infringement), then plaintiff must indicate separately on its Claim Chart and explain the basis for alleging each element of the indirect infringement cause of action and which specific entity is directly infringing. If any of plaintiff's claims of infringement arise under the doctrine of equivalents, then plaintiff must indicate that separately on its Claim Chart and explain its basis for alleging the element equivalently present.

2. The parties may join additional parties and amend pleadings without further leave of the court through **May 15, 2025**.

3. Defendant shall serve its response to plaintiff's infringement contentions by **June 20, 2025**. Defendant's claim chart is to identify with specificity the elements on the plaintiff's claim chart that it admits are present in its accused devices and those that it contends are absent. With respect to the latter, defendant will set forth in detail the basis for its contention that the element is absent. As to the doctrine of equivalents, defendant shall indicate on its chart its contentions concerning any differences in function, way, and result, and why any differences are substantial.

4. Defendant shall serve its invalidity and unenforceability contentions by **August 22, 2025**. Defendant, in chart form, shall identify specific grounds for each contention, and if based on prior art, shall include the identity of each item of prior art that allegedly anticipates each asserted claim or renders it obvious, and whether each item of prior art anticipates each asserted claim or renders it obvious. If a combination of items of prior art makes a claim obvious, each such combination must be identified in the chart, and the chart must state specifically where in each alleged item of prior art each element of each asserted claim is found. Defendant shall also provide its basis for any allegation that the patents in suit are unenforceable.

5. Plaintiff shall serve its response to defendant's invalidity and unenforceability contentions by **October 22, 2025**. Plaintiff shall serve defendant with a statement in which it details its position on what the prior art relied upon by defendant to invalidate any asserted claim(s) shows, if plaintiff's interpretation differs from that of the defendant, and its position why the alleged prior art does not invalidate the asserted

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claims. Plaintiff shall also serve its contentions in response to defendant's unenforceability contentions.

6. Claim Construction. A. On **December 19, 2025**, the parties shall simultaneously exchange a list of claim terms, phrases, or clauses that each party contends should be construed by the court. On **January 20, 2026**, plaintiff shall serve its proposed constructions with any extrinsic evidence. By the same date, plaintiff shall disclose any expert testimony it intends to use to support its position on claim construction. On **February 20, 2026**, defendant shall serve its proposed constructions with any extrinsic evidence. By the same date, defendant shall disclose any expert testimony it intends to use to support its position on claim construction.

B. The parties shall confer for the purpose of narrowing and resolving their differences to facilitate the preparation of a joint claim construction statement, which must be filed with the court by **March 13, 2026**. The joint claim construction statement must contain (i) the construction of those claim terms, phrases and clauses on which the parties agree; and (ii) each party's proposed construction of each disputed claim term, phrase, and clause. If a party asserts a disputed claim term, phrase, or clause needs no construction, the party must so state and concisely explain why no construction is necessary.

C. Any claim construction discovery must be completed by **April 1, 2026**.

D. Markman Briefing. By **April 13, 2026**, the parties must serve and file their opening claim construction briefs not to exceed 35 pages in length, addressing the claim construction terms proposed for construction, including any evidentiary issues the parties anticipate will be placed before the court if an evidentiary Markman hearing is conducted.

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By **May 13, 2026**, the parties must serve and file their response to opening claim construction briefs, not to exceed 35 pages in length, addressing the claim construction issues, including any evidentiary issues the parties anticipate will be placed before the court if an evidentiary Markman hearing is conducted.

D. Markman Hearing. After **May 13, 2026**, if the court so directs, a Markman hearing will be held before Judge Adelman. If a Markman hearing is scheduled, the parties may depose any disclosed Markman experts before the hearing.

7. The parties shall disclose any reliance on opinion of counsel within **30 days** after the court's claim construction order is issued.

8. All requests for fact discovery shall be served by a date sufficiently early so that all fact discovery in this case can be completed no later than **90 days** after the court's claim construction order is issued.

9. The parties shall disclose initial expert witnesses consistent with Rule 26(a)(2) within **120 days** after the court's claim construction order is issued. The parties shall disclose any rebuttal expert witnesses consistent with Rule 26(a)(2) within **150 days** after the court's claim construction order is issued. All requests for expert discovery shall be served by a date sufficiently early so that all expert discovery in this case can be completed within **210 days** after the court's claim construction order is issued.

10. Any motions for summary judgment or *Daubert* motions must be filed within **240 days** after the court's claim construction order is issued. Responses to such motions must be filed within **30 days** after the motions are filed.

11. The court expects counsel to confer and make a good faith effort to settle the case.

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The foregoing schedule shall not be modified except upon a showing of good cause and by leave of the court.

SO ORDERED at Milwaukee, Wisconsin, this 12th day of March, 2025.

/s/ Lynn Adelman
LYNN ADELMAN
District Judge

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