

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

SHARKNINJA OPERATING LLC, et al.,

Plaintiffs,

v.

RJ BRANDS, LLC, d/b/a CHEFMAN.,

Defendant.

Civil No. 24-8984 (CPO/MJS)

SCHEDULING ORDER

This Scheduling Order confirms the directives given to counsel at the scheduling conference pursuant to Rule 16, Federal Rules of Civil Procedure on November 13, 2025 as well as the provisions that shall be followed in all civil cases pending before Magistrate Judge Skahill; and the Court noting the following appearances at the scheduling conference: Jessica A. Formichella, Esquire and David Glandorf, Esquire appearing for plaintiffs; Jason Cabrera, Esquire and Bradley D. Liddle, Esquire appearing on behalf of the defendant; and for good cause shown:

It is this 13th day of **November 2025**, hereby **ORDERED**:

The parties shall comply with the dates contained in the joint proposed schedule attached as EXHIBIT A to this order and incorporated as part of this order.

1. The parties shall make FED. R. CIV. P. 26(a) disclosures on or before the date provided in **Exhibit A**.

2. By **December 4, 2025**, the parties shall forward a joint letter to the Court stating that they have conferred pursuant to Local Civil Rules 26.1(b)(2) and 26.1(d) concerning discovery of digital information and advise whether the parties have agreed on computer-based and other digital discovery matters. No issue will be addressed unless the parties comply with Local Civil Rule 37.1(a)(1).

3. Written discovery requests and responses shall be served in accordance with the attached **Exhibit A** and Court Rules.

4. By **November 14, 2025**, the parties shall serve the Court with an agreed upon Discovery Confidentiality Order that complies with Local Civil Rule 5.3 or a copy of the latest version of the Order with a list of the issues in dispute. Unless good cause is shown, the parties shall use the form included as Appendix S to the Local Civil Rules of Procedure. If the submitted version differs from Appendix S, the parties must submit (1) a clean version of the proposed order

that is ready for signature, and (2) an additional version that shall indicate in what respect(s) it differs from Appendix S by bracketing or striking through materials to be deleted and underlining materials to be added.

5. The time within which to seek amendments to the pleadings or to add new parties will be **set at a future conference**. Except as otherwise permitted in the Federal and Local Rules of Civil Procedure, leave of court is necessary to file an amended pleading. Counsel shall comply with amended L. Civ. R. 15.1 which requires motions to amend to state whether the motion is opposed. Counsel shall meet and confer in-person or by phone about the issue. Counsel shall also attach to their motion a form of the proposed amended pleading that indicates in what respect(s) it differs from the pleading it proposes to amend. If a party seeks to file a motion to amend after the deadline set in the Scheduling Order, that party must show good cause why the amendment could not have been sought earlier.

6. Pretrial factual discovery will close on **June 17, 2027**. All pretrial discovery shall be concluded by that date. All discovery disputes shall be presented to the Court in accordance with Local Civil Rule 37.1(a)(1), and the procedures set forth in this Order, before the expiration of pretrial factual discovery.

7. Counsel shall meet and confer in a good faith attempt to informally resolve any and all discovery or case management disputes before seeking the Court's intervention. See Local Civil Rule 37.1(a)(1). Absent exigent circumstances, the Court expects parties to "meet and confer" in-person or via telephone before making a discovery application, rather than just exchanging letters or e-mails. Should such informal effort fail to resolve the dispute:

- a. The party seeking the discovery shall submit, via ECF, a letter not to exceed ten (10) double-spaced pages, that sets forth: (1) a specific description of the discovery sought; (2) the relevance of the discovery; (3) an explanation of the parties' efforts to meet and confer to resolve the dispute; and (4) any appropriate legal argument.
- b. The party opposing the request may submit within seven (7) calendar days, a letter, via ECF, in response that shall not exceed ten (10) double-spaced pages setting forth any factual considerations and legal argument. Failure to respond within seven days of the filing of the initial letter will be deemed a waiver of any objection to the discovery requests(s).
- c. No further submissions regarding the dispute may be submitted without leave of the Court. If necessary, the Court will thereafter schedule a telephone conference to resolve the dispute.

Failure by any party to meet and confer in good faith will result in the Court deeming that party to have waived its right to take a position on the discovery issue(s) in dispute. The parties should promptly bring any unresolved issue to the Court's attention and should not wait until the close of discovery to address a dispute.

No discovery motion or motions for sanctions for failure to provide discovery shall be filed before utilizing the procedures set forth above without prior leave of the Court.

8. All depositions are to be conducted in accordance with the procedures set forth in Hall v. Clifton Precision, 150 F.R.D. 525 (E.D.Pa. 1993).

9. All expert reports and expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be exchanged as provided for in **Exhibit A**. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded as provided for in **Exhibit A**.

For purposes of this scheduling order, if applicable, treating physicians shall not be considered expert witnesses and shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition shall be considered an expert subject to the requirements of Fed. R. Civ. P. 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to F. R. Evid. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

10. Any required statement concerning the disclosure of third-party litigation funding, as set forth in Local Civil Rule 7.1.1 (eff. June 21, 2021), shall be filed by **November 24, 2025**. Local Civil Rule 7.1.1 does not require the filing of a negative statement to the effect that no third-party funding exists in the case.

11. Dispositive motions shall be filed with the Clerk of the Court no later than as provided for in **Exhibit A**, in accordance with the applicable Federal and Local Rules of Civil Procedure. Opposition to the motion shall be served in a timely fashion. Counsel are to follow Local Civil Rules 7.1, 7.2, 56.1, and 78.1 (Motion Practice – Generally). This Order is subject to the Individual Rules and Procedures (if any) of the presiding District Judge.

12. The Court will conduct a telephone status conference on **February 24, 2026 at 10:00 a.m.** All counsel shall dial **1-856-210-8988, Access Code: 938 370 376#** to connect to the call. Any discovery dispute shall be brought to the Court's attention in a timely fashion and no later than seven days prior to the scheduled conference.¹ All outstanding discovery issues not

¹ The parties should follow the letter application procedure set forth in this Order in the event of any unresolved discovery disputes and should not wait until the close of discovery to bring any issues to the Court's attention. Unless good cause exists, the party seeking discovery shall raise any issue sufficiently in advance of this conference so that the responding party may submit a letter

raised shall be deemed waived.

13. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the Court and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under FED. R. CIV. P. 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown. All applications regarding motions returnable before a District Judge shall be presented to the District Judge.

14. All cases pending before the Honorable Christine P. O'Hearn shall be subject to Judge O'Hearn's Judicial Preferences available on the Court's website: <https://www.njd.uscourts.gov/sites/njd/files/JudicialPreferencesOHearn.pdf>. To the extent this Court's Orders are not consistent with Judge O'Hearn's Judicial Preferences, Judge O'Hearn's Judicial Preferences control.

**THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY
RESULT IN IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).**

s/ Matthew J. Skahill
MATTHEW J. SKAHILL
United States Magistrate Judge

at least seven days prior to the conference.

EXHIBIT A

JOINT PROPOSED SCHEDULE

Event	Date
Rule 26(f) Conference (<i>L. Civ. R. 26.1(b)(2)</i>) (<i>See also L. Pat. R. 2.1(a)</i>)	October 23, 2025
Joint Discovery Plan and Scheduling Order submitted (<i>L. Civ. R. 26.1(b)(2)</i>)	November 6, 2025
Initial disclosures under Fed. R. Civ. P. 26(a)(1) due	November 20, 2025
Rule 16 Conference	November 13, 2025
Submission of Proposed Discovery Confidentiality Order (<i>L. Pat. R. 2.2</i>)	November 14, 2025
<i>PLAINTIFF</i> to serve Disclosure of Asserted Claims and Infringement Contentions, which shall contain all disclosures required by L. Pat. R. 3.1, and production of all documents required under L. Pat. R. 3.2 (<i>L. Pat. R. 3.1 & 3.2</i>)	December 4, 2025
<i>DEFENDANT</i> to serve written basis for its Non-Infringement Contentions and related document production as required under L. Pat. R. 3.2A (<i>L. Pat. R. 3.2A</i>)	January 21, 2026
<i>DEFENDANT</i> to serve the written basis for its Invalidity Contentions, including disclosures required under L. Pat. R. 3.3, and production of documents required under L. Pat. R. 3.4 (<i>L. Pat. R. 3.3 & 3.4</i>)	January 21, 2026
<i>PLAINTIFF</i> to serve its Responses to Invalidity Contentions and related production of documents required under L. Pat. R. 3.4A (<i>L. Pat. R. 3.4A</i>)	February 4, 2026
Parties exchange proposed terms for claim construction (<i>L. Pat. R. 4.1(a)</i>)	February 18, 2026
Parties to simultaneously exchange preliminary proposed constructions of each term identified by any party for claim construction (<i>L. Pat. R. 4.2(a)</i>)	March 11, 2026
Parties to identify all intrinsic evidence, all references from the specification or prosecution history that support its preliminary proposed construction and designate any supporting extrinsic evidence (<i>L. Pat. R. 4.2(b)</i>)	March 11, 2026
Parties to exchange an identification of all intrinsic evidence and extrinsic evidence that each party intends to rely upon to oppose any other party's proposed construction (<i>L. Pat. R. 4.2(c)</i>)	March 25, 2026
Parties to meet and confer for the purposes of narrowing the issues and finalizing preparation of a Joint Claim Construction and Prehearing Statement	April 2, 2026

(<i>L. Pat. R. 4.2(d)</i>)	
Parties to complete and file a Joint Claim Construction and Prehearing Statement (<i>L. Pat. R. 4.3</i>)	April 10, 2026
Parties to complete all discovery relating to claim construction, including any depositions with respect to claim construction of any witnesses, other than experts, identified in the Preliminary Claim Construction statement or Joint Claim Construction and Prehearing Statement (<i>L. Pat. R. 4.4</i>)	May 11, 2026
Parties to contemporaneously file and serve their opening <i>Markman</i> briefs and any evidence supporting claim construction, including experts' certifications or declarations (<i>L. Pat. R. 4.5(a)</i>)	June 1, 2026
Parties to complete any discovery from any expert witness who submitted a certification (<i>L. Pat. R. 4.5(b)</i>)	July 1, 2026
Parties to contemporaneously file and serve responding <i>Markman</i> briefs and any evidence supporting claim construction, including any responding experts' certifications or declarations (<i>L. Pat. R. 4.5(c)</i>)	August 31, 2026
Parties to meet and confer to propose to the Court a schedule for a Claim Construction Hearing, to the extent the parties believe a hearing is necessary for construction of the claims at issue (<i>L. Pat. R. 4.6</i>)	September 14, 2026
<i>Markman</i> hearing	~Mar. 2027, or as soon thereafter as the Court is available. (TBD per Order of the Court)
Close of fact discovery	June 17, 2027
Opening expert reports	August 20, 2027
Rebuttal expert reports	November 1, 2027
Completion of expert discovery	November 15, 2027
Dispositive motions due	December 1, 2027
MILS	December 1, 2027
Joint pretrial order	TBD (two weeks prior to pretrial conference)
Pretrial conference	Mar. 2028
Trial	Apr. 2028, or as soon thereafter as the Court is available.