

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BEATBOT TECHNOLOGY (USA) CO.
LTD., ET AL.,

Plaintiff,

v.

ZODIAC POOL SYSTEMS LLC,

Defendant.

Case No.: 25-cv-01946-GPC-JLB

**CASE MANAGEMENT ORDER
REGULATING DISCOVERY AND
OTHER PRETRIAL PROCEEDINGS
IN A PATENT CASE**

AND RELATED COUNTERCLAIM.

A Case Management Conference was held on **November 18, 2025**. After consulting with the attorneys of record for the parties and being advised of the status of the case, and good cause appearing, **IT IS HEREBY ORDERED:**

1. The Court understands that parties to litigation often enter into stipulations that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in specified way. Any motion for a protective order entering such stipulation(s) in this case shall be filed as a joint motion no later than **December 5, 2025**, and comply with § VI of Magistrate Judge Jill L. Burkhardt's Civil Chambers Rules. The parties may use Judge Burkhardt's model protective order, which is

available on the Court's website under her Chambers Rules.¹

If the need for a protective order is not initially apparent to the parties and only becomes apparent due to a later development in the case, the parties must seek leave to file a late motion for protective order. Any such motion shall be supported by good cause, which includes an explanation as to why the parties could not have anticipated the need for a protective order.

2. A continued Early Neutral Evaluation Conference (“ENE”) will be held on **January 22, 2026, at 1:30 p.m.** The ENE will be held by ZoomGov video conference. Updated ENE statements shall be lodged no later than **January 16, 2026.**

3. Any motion to join other parties, to amend the pleadings, or to file additional pleadings shall be filed by **January 27, 2026**.

4. On or before **December 9, 2025**, each party claiming patent infringement shall separately serve on all parties a Disclosure of Asserted Claims and Preliminary Infringement pursuant to Patent L.R. 3.1 and produce documents as required by Patent L.R. 3.2.

5. On or before **February 9, 2026**, each party opposing a claim of infringement shall serve Invalidity Contentions pursuant to Patent L.R. 3.3 and produce documents as required by Patent L.R. 3.4.

6. On or before **March 3, 2026**, the parties shall exchange Preliminary Claim Constructions pursuant to Patent L.R. 4.1.a and identify extrinsic evidence as required by Patent L.R. 4.1.b.

7. On or before **March 10, 2026**, the parties shall exchange Responsive Claim Constructions pursuant to Patent L.R. 4.1.c and identify extrinsic evidence as required by Patent L.R. 4.1.d.

8. On or before **March 24, 2026**, parties shall complete and file a Joint Claim

¹ <https://www.casd.uscourts.gov/Judges/burkhardt/docs/Burkhardt%20Model%20Protective%20Order.docx>

1 Construction Chart, Joint Claim Construction Worksheet, and Joint Hearing Statement
2 pursuant to Patent L.R. 4.2.

3 9. The deadline for filing, as of right, Amended Infringement Contentions by a
4 party claiming infringement is **March 24, 2026**. See Patent L.R. 3.6.a.

5 10. All discovery intended for use in the Claim Construction Hearing must be
6 completed by **April 21, 2026**. See Patent L.R. 4.3.

7 11. The deadline for filing, as of right, Amended Invalidity Contentions by the
8 party opposing infringement is **April 21, 2026**. See Patent L.R. 3.6.b.

9 12. On or before **May 5, 2026**, the parties must file simultaneously their Opening
10 Claim Construction Briefs. See Patent L.R. 4.4.a.

11 13. On or before **May 19, 2026**, the parties must file simultaneously their
12 Responsive Claim Construction Briefs. See Patent L.R. 4.4.b.

13 14. The Claim Construction and tutorial hearing will be held **June 5, 2026**, at
14 **1:30 p.m.** before **Judge Gonzalo P. Curiel**. See Patent L.R. 4.5.

15 15. Not later than thirty (30) days after the filing of the Claim Construction Order,
16 any party relying upon advice of counsel as part of a patent-related claim or defense for
17 any reason must make the disclosures required by Patent L.R. 3.7

18 16. A party asserting infringement must serve final amended infringement
19 contentions, within the meaning of Patent L.R. 3.6.a.1, not later than thirty (30) days after
20 service of the Court's Claim Construction Ruling.

21 17. A party opposing a claim of infringement must serve final amended invalidity
22 contentions, within the meaning of Patent L.R. 3.6.b.2, not later than fifty (50) days after
23 service of the Court's Claim Construction ruling.

24 18. The initial date for the substantial completion of document discovery
25 including electronically stored information ("ESI") is **August 4, 2026**. See Patent L.R.
26 2.1.a.1.

27 19. All fact discovery shall be completed by all parties on or before
28 **October 5, 2026**. "Completed" means that all discovery under Rules 30–36 of the Federal

1 Rules of Civil Procedure, and discovery subpoenas under Rule 45, must be initiated a
2 sufficient period of time in advance of the cut-off date, **so that it may be completed** by
3 the cut-off date, taking into account the times for service, notice and response as set forth
4 in the Federal Rules of Civil Procedure.

5 **Counsel shall promptly and in good faith meet and confer with regard to all**
6 **discovery disputes in compliance with Civil Local Rule 26.1.a.** The Court expects
7 counsel to make every effort to resolve all disputes without court intervention through the
8 meet and confer process. Discovery disputes must be brought to the Court's attention in
9 the time and manner required by § V of Judge Burkhardt's Civil Chambers Rules. **All**
10 **discovery disputes must be raised within 30 calendar days of the service of an**
11 **objection, answer, or response** that becomes the subject of dispute, or the passage of a
12 discovery due date without response or production, and only after counsel (and any
13 unrepresented parties) have met and conferred to resolve the dispute. *See* J. Burkhardt Civ.
14 Chambers R. § V. **A failure to comply in this regard will result in a waiver of a party's**
15 **discovery issue. Absent an order of the court, no stipulation continuing or altering**
16 **this requirement will be recognized by the court.**

17 20. All expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be served on
18 all parties on or before **August 4, 2026**. Any contradictory or rebuttal disclosures within
19 the meaning of Rule 26(a)(2)(D)(ii) shall be disclosed on or before **August 25, 2026**.
20 Unless otherwise stipulated by the parties, the required expert disclosures shall include an
21 expert report as required by Rule 26(a)(2)(B). If a written report is not required, the
22 disclosure must provide the information required under Rule 26(a)(2)(c).

23 21. All discovery, including expert discovery, shall be completed by all parties on
24 or before **December 28, 2026**. "Completed" means that interrogatories, requests for
25 production, and other discovery requests must be served at least thirty (30) days prior to
26 the established cutoff date so that response thereto will be due on or before the cutoff date.
27 All subpoenas issued for discovery must be returnable on or before the discovery cutoff
28 date. All disputes concerning discovery shall be brought the attention of the Magistrate

1 Judge no later than forty-five (45) days following the date upon which the event giving rise
2 to the dispute occurred. Counsel are required to meet and confer regarding all discovery
3 disputes pursuant to the requirements of Local Rule 26.1.a. Counsel are to comply with
4 the chambers rules of the Magistrate Judge in bringing discovery before the court.

5 22. All other dispositive motions, including those addressing Daubert issues, shall
6 be FILED on or before **January 11, 2027**. Please be advised that counsel for the moving
7 party must obtain a motion hearing date from the law clerk of the judge who will hear the
8 motion. Failure of counsel to timely request a motion date may result in the motion not
9 being heard. Motions in Limine are to be filed as directed in the Local Rules, or as
10 otherwise set by **Judge Gonzalo P. Curiel**.

11 23. Briefs or memoranda in support of or in opposition to any pending motion
12 shall not exceed twenty-five (25) pages in length without permission of the judge or
13 magistrate judge who will hear the motion. No reply memorandum shall exceed ten (10)
14 pages without leave of the judge or magistrate judge who will hear the motion.

15 24. A Mandatory Settlement Conference (“MSC”) will be held by video
16 conference² on **July 8, 2026 at 1:45 p.m.** before **Magistrate Judge Jill L. Burkhardt**.
17 **Mandatory directions for participating in the MSC by video conference are attached**
18 **hereto**. The purpose of the MSC is to permit an informal, candid discussion between the
19 attorneys, parties, and the settlement judge of every aspect of the lawsuit in an effort to
20 achieve a mediated resolution of the case. All MSC discussions will be off the record,
21 privileged, and confidential. *See* CivLR 16.3.h.

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24 ² If any party believes the MSC is more likely to be successful if conducted in-person,
25 that party shall meet and confer on the issue with the other parties. After meeting and
26 conferring, and no later than **60 days before the MSC**, the parties shall leave a joint
27 voicemail with chambers at (619) 557-6624 indicating which of the parties requests an in-
28 person MSC. In the voicemail, the parties shall leave three mutually available dates for a
telephonic status conference to discuss whether the MSC should be held in-person. The
final decision will be made by the Court.

1 Pursuant to Civil Local Rule 16.3, all party representatives and claims adjusters for
2 insured defendants with full and unlimited authority³ to negotiate and enter into a binding
3 settlement, as well as the principal attorney(s) responsible for the litigation, must be present
4 and legally and factually prepared to discuss and resolve the case at the MSC. In the case
5 of an entity, an authorized representative of the entity who is not retained outside counsel
6 must be present and must have discretionary authority to commit the entity to pay an
7 amount up to the amount of the Plaintiff's prayer (excluding punitive damages prayers).
8 The purpose of this requirement is to have representatives present who can settle the case
9 during the course of the conference without consulting a superior.

10 **Counsel for a United States government entity** may be excused from this
11 requirement so long as the government attorney who attends the MSC conference (1) has
12 primary responsibility for handling the case, and (2) may negotiate settlement offers which
13 the attorney is willing to recommend to the government official having ultimate settlement
14 authority.

15 **Failure to attend the MSC or obtain proper excuse will be considered grounds**
16 **for sanctions.**

17 25. No later than **21 days before the MSC**, the parties shall exchange formal
18 settlement proposals, as required by § III.A. of Judge Burkhardt's Civil Chambers Rules.
19 No later than **14 days before the MSC**, the parties shall meet and confer in person or
20 telephonically, as required by § III.B. of Judge Burkhardt's Civil Chambers Rules.
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23 ³ "Full authority to settle" means that the individuals at the settlement conference must
24 be authorized to fully explore settlement options and to agree at that time to any settlement
25 terms acceptable to the parties. *Heileman Brewing Co., Inc. v. Joseph Oat Corp.*, 871 F.2d
26 648 (7th Cir. 1989). The person needs to have "unfettered discretion and authority" to
27 change the settlement position of a party. *Pitman v. Brinker Int'l., Inc.*, 216 F.R.D. 481,
28 485–86 (D. Ariz. 2003). The purpose of requiring a person with unlimited settlement
authority to attend the conference includes that the person's view of the case may be altered
during the face-to-face conference. *Id.* at 486. A limited or a sum certain of authority is
not adequate. *Nick v. Morgan's Foods, Inc.*, 270 F.3d 590, 595–97 (8th Cir. 2001).

1 26. No later than **June 29, 2026**, counsel (and any unrepresented parties) shall
2 **lodge** confidential MSC statements with Judge Burkhardt's chambers via e-mail at
3 efile_Burkhardt@casd.uscourts.gov. The parties' MSC statements shall comply with §
4 III.C. of Judge Burkhardt's Civil Chambers Rules.

5 27. In order to identify the claims to be tried and eliminate delay and surprise at
6 trial, the Court enters the following pretrial order pursuant to Fed. R. Civ. P. 16.

7 28. Parties are excused from the requirement of Local Rule 16.1.f.2.a; no
8 Memoranda of Law or Contentions of Fact are to be filed.

9 29. All parties or their counsel shall fully comply with the Pretrial Disclosure
10 requirements of Fed. R. Civ. P. 26(a)(3) on or before **February 19, 2027**. Failure to
11 comply with these disclosures requirements could result in evidence preclusion or other
12 sanctions under Fed. R. Civ. P. 37.

13 30. Pursuant to Local Civil Rule 16.1.f.4, on or before **February 26, 2027**, the
14 parties shall meet and confer to comply with the provisions of that section and prepare a
15 proposed pretrial order in accordance with Local Rule 16.1.f.6.c, and containing the
16 following:

17 a. A joint neutral statement to be read to the jury, not in excess of one
18 page, of the nature of the case and the claims and defenses.

19 b. A list of the causes of action to be tried, referenced to the Complaint
20 [and Counterclaim if applicable]. For each cause of action, the order shall succinctly list
21 the elements of the claim, damages and any defenses. A cause of action in the Complaint
22 [and/or Counterclaim] which is not listed shall be dismissed with prejudice.

23 c. A list, in alphabetical order, of:

24 i. Each witness counsel actually expect to call at trial with a brief
25 statement, not exceeding four sentences, of the substance of the
26 witnesses' testimony.

27 ii. Each expert witness counsel actually expect to call at trial with a
28 brief statement, not exceeding four sentences, of the substance of

1 the expert witnesses' testimony.

2 iii. Additional witnesses, including experts, counsel do not expect to
3 call at this time but reserve the right to call at trial along with a
4 brief statement, not exceeding four sentences, of the substance of
5 the witnesses' testimony.

6 d. A list of:

7 i. All exhibits that counsel actually expect to offer at trial with a
8 one-sentence description of the exhibit. All exhibits are to be
9 identified numerically, plaintiff starting with "1" and defendant
10 beginning with an agreed upon numerical designation.

11 ii. All other exhibits that counsel do not expect to offer at this time
12 but reserve the right to offer if necessary at trial with a one-
13 sentence description of the exhibit.

14 e. A statement of all facts to which the parties stipulate. This statement
15 shall be on a separate page and will be read to and provided to the jury.

16 f. A list of all deposition transcripts by page and line, or videotape
17 depositions by section, that will be offered at trial.

18 g. Counsel will note any objections they have to any other parties' Fed. R.
19 Civ. P. 26 (a)(3) Pretrial Disclosures.

20 The Court encourages the parties to consult with the assigned magistrate judge to
21 work out any problems in preparation of the proposed pretrial order. The assigned
22 magistrate judge will entertain any questions concerning the conduct of the trial at the
23 pretrial conference.

24 27. Counsel for plaintiff will be responsible for preparing the pretrial order and
25 arranging the meetings of counsel pursuant to Civil Local Rule 16.1.f.6.a. On or before
26 **March 5, 2027**, plaintiff's counsel must provide opposing counsel with the proposed
27 pretrial order for review and approval. Opposing counsel must communicate promptly
28 with plaintiff's attorney concerning any objections to form or content of the pretrial order,

1 and both parties should attempt promptly to resolve their differences, if any, concerning
2 the order.

3 28. The proposed final pretrial conference order, including objections counsel
4 have to any other party's Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures shall be prepared,
5 served and lodged with **Judge Gonzalo P. Curiel** chambers on or before **March 12, 2027**,
6 and shall be in the form prescribed in and in compliance with Local Rule 16.1.f.6.c.
7 Counsel shall also bring a court copy of the pretrial order to the pretrial conference.

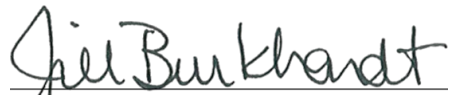
8 29. The final pretrial conference shall be held before the **Honorable Gonzalo P.**
9 **Curiel**, United States District Court Judge, on **March 19, 2027 at 1:30 p.m.**, during which
10 time the Court will address the submission of motions in limine, trial briefs, proposed voir
11 dire and jury instructions and the trial schedule.

12 30. The dates and times set forth herein will not be modified except for good cause
13 shown.

14 31. Plaintiff's counsel shall serve a copy of this order on all parties that enter this
15 case hereafter.

16 **IT IS SO ORDERED.**

17 Dated: November 19, 2025

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19 Hon. Jill L. Burkhardt
20 United States Magistrate Judge
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Mandatory Directions for Zoom Video Conference Participation

1 1. The Court will use its official ZoomGov video conferencing account to hold
2 the MSC. **IF YOU ARE UNFAMILIAR WITH ZOOM:** Zoom is available on
3 computers through a download on the Zoom website (<https://zoom.us/meetings>) or on
4 mobile devices through the installation of a free app.⁴ Joining a Zoom conference does not
5 require creating a Zoom account, but it does require downloading the .exe file (if using a
6 computer) or the app (if using a mobile device). Participants are encouraged to create an
7 account, install Zoom and familiarize themselves with Zoom in advance of the MSC.⁵
8 There is a cost-free option for creating a Zoom account.

9 2. Prior to the start of the MSC, the Court will e-mail each MSC participant an
10 invitation to join a Zoom video conference. Again, if possible, participants are encouraged
11 to use laptops or desktop computers for the video conference, as mobile devices often offer
12 inferior performance. Because Zoom may quickly deplete the battery of a participant's
13 device, each participant should ensure that her or his device is plugged in or that a charging
14 cable is readily available during the video conference. Participants shall join the video
15 conference by following the ZoomGov Meeting hyperlink in the invitation. **Participants**
16 **who do not have Zoom already installed on their device when they click on the**
17 **ZoomGov Meeting hyperlink will be prompted to download and install Zoom before**
18 **proceeding.** Zoom may then prompt participants to enter the password included in the
19 invitation. All participants will be placed in a waiting room until the MSC begins.

20 3. Each participant should plan to join the Zoom video conference **at least**
21 **5 minutes before** the start of the MSC to ensure that the MSC begins on time.

22 4. Zoom's functionalities will allow the Court to conduct the MSC as it
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26 ⁴ If possible, participants are encouraged to use laptops or desktop computers for the
27 video conference, as mobile devices often offer inferior performance.

28 ⁵ For help getting started with Zoom, visit: <https://support.zoom.us/hc/en-us/categories/200101697-Getting-Started>

1 ordinarily would conduct an in-person MSC. That is, the Court will begin the MSC with
2 all participants joined together in a main session. After an initial discussion in the main
3 session, the Court will divide participants into separate, confidential sessions, which Zoom
4 calls Breakout Rooms.⁶ In a Breakout Room, the Court will be able to communicate with
5 participants from a single party in confidence. Breakout Rooms will also allow parties and
6 counsel to communicate confidentially without the Court.

7 5. As previously stated, MSCs are confidential court proceedings. All attendees
8 must participate from a private and stable location where no individual who is not a party,
9 a party representative, or an attorney for a party can overhear the proceedings. All
10 attendees must be prepared to devote their full attention to the MSC as if they were
11 attending in person. This means that attendees must clear their schedules of all conflicts
12 for the entire period of the MSC.⁷ Attendees may not participate from a moving car or a
13 public space.

14 6. All participants are expected to display the same level of professionalism and
15 civility as they would at an in-person court proceeding. *See* CivLR 2.1; J. Burkhardt's Civ.
16 Chambers R. § I.

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27 ⁶ For more information on what to expect when participating in a Zoom Breakout
28 Room, visit: <https://support.zoom.us/hc/en-us/articles/115005769646>

⁷ MSCs are ordinarily scheduled for three hours but may last considerably longer.