

- iii. **Discovery Limits.** The parties are limited to 10 depositions per side and 25 interrogatories per party, unless leave to exceed these limits is sought and approved by the Court. *See* FED. R. CIV. P. 30(a)(2)(A), 33(a).
- iv. **Discovery Motions.** The Court expects the parties to resolve any discovery disputes in compliance with Local Rule 3.04. In the unusual event they fail to do so, the parties must file a joint motion requesting a conference with the Court that details their attempts to achieve a resolution, concisely describes the issues in dispute, and does not exceed three pages. Finally, if a dispute remains after the conference, either party may file a discovery motion, with a response due a week later and no reply. The Court will not consider any motion that fails to comply with these procedures or omits a certification under Local Rule 3.04.

d. Briefing on Outstanding Scheduling Issues

- i. No later than **October 2, 2026**, the parties must file briefs, not to exceed 5 pages, concerning the timing of a design patent claim construction and what it would entail. The parties may elect to file a response, provided it is no longer than 5 pages and is filed by **October 9, 2026**.
- ii. No later than **January 15, 2027**, the parties must meet and confer in good faith for the purpose of reaching a compromise regarding claim narrowing ahead of the *Markman* hearing. Absent an agreement, no later than **February 4, 2027**, the parties must file briefs, not to exceed 5 pages, concerning the propriety of Defendant's claim narrowing proposal.

e. Patent Initial Disclosures (Local Patent R. 3)

- i. No later than **September 24, 2026**, Plaintiff must serve its Disclosure of Asserted Claims and Preliminary Infringement Contentions and make the accompanying document production, pursuant to Local Patent R. 3-1 and 3-2.
- ii. No later than **December 4, 2026**, Defendant must serve its Preliminary Counter-Infringement Contentions under Local Patent R. 3-3, as modified by agreement.
- iii. No later than **December 21, 2026**, Defendant must serve its Preliminary Invalidity Contentions and make the accompanying document production under Local Patent R. 3-4 and 3-5, as modified by agreement.

f. Claim Construction Proceedings (Local Patent R. 4):

- i. No later than **January 7, 2027**, the parties must simultaneously exchange Proposed Terms and Claim Elements for Construction,

pursuant to Local Patent R. 4-1. Within a week of this exchange,¹ the parties must meet and confer in good faith for the purpose of narrowing the claim terms to be construed, narrowing or resolving differences, and facilitating the ultimate preparation of a Joint Claim Construction Chart and Joint Prehearing Statement, as set forth in Local Patent R. 4-1(b).

- ii. No later than **January 28, 2027**, the parties must simultaneously exchange Preliminary Claim Constructions and provide a preliminary identification of extrinsic evidence, pursuant to Local Patent R. 4-2. Within a week of this exchange, the parties must meet and confer in good faith to discuss, among other topics, each of the claim elements the parties have identified in their Proposed Terms and Claim Elements for Construction, for the purpose of narrowing the issues and preparing a Joint Claim Construction Chart and Joint Prehearing Statement, as set forth in Local Patent R. 4-3
 - iii. No later than **February 25, 2027**, the parties must file a Joint Claim Construction Chart and Joint Prehearing Statement, pursuant to Local Patent R. 4-3.
 - iv. No later than **March 25, 2027**, the parties must complete Claim Construction Discovery, pursuant to Local Patent R. 4-4.
 - v. No later than **April 15, 2027**, the parties must file a motion for claim construction, memorandum in support, and any evidence in support, and no later than **14 days after service**, each party must file its responsive memorandum and supporting evidence, pursuant to Local Patent R. 4-5.
 - vi. The Court sets a Claim Construction Hearing for **June 7, 2027**, at **1:00 p.m.**, in Courtroom 14-South.
- g. **Supplemental Joint Proposed Scheduling Plan**: No later than **14 days after the Court issues its Claim Construction Order**, counsel must file a supplemental JSP, consistent with the instructions for the JPS in the Rule 16 Order, Doc. 39, that includes:
- i. dates by which each party must disclose its expert witnesses' identities and reports—and whether serial or simultaneous disclosure is appropriate in the case—and dates by which the depositions will be completed;
 - ii. a date by which all discovery will be completed;
 - iii. the parties' positions concerning the referral of the action to mediation or early neutral evaluation, when such a referral would be most productive, and when it should end (bearing in mind that it typically takes several weeks after the Court's referral for a mediation or evaluation to commence);

¹ The parties are encouraged to hold this meeting concurrently with the meet and confer on claim narrowing. *See supra* at (I)(d)(ii).

- iv. a date for filing motions for summary judgment, motions under Federal Rules of Evidence 702 and 703, or other dispositive motions;
 - v. date by which the parties must complete an inspection of Accused Instrumentalities under Rule 34;
 - vi. a revised estimate of the length of time expected to try the case to verdict; and
 - vii. any other matters pertinent to the completion of discovery or any other matters counsel consider helpful.
- h. **Final Pretrial Conference**: On **April 17, 2028**, at **1:00 p.m.**, the Court will hold an in-person pretrial conference in Courtroom 14-South.

II. Order Relating to Trial

The Court sets this case for a **JURY** trial on **April 24, 2028**, at **9:30 a.m.** This is a **two-week docket**, and the parties are expected to be ready and available for trial on the first day of the docket and thereafter on 24 hours' notice.

Unless otherwise ordered by the Court upon a showing of good cause, the parties must comply with the following pretrial compliance deadlines **no later than 14 days before the pretrial conference**:

- a. **Stipulation**: The parties must meet and confer to determine which facts are uncontested and file a joint stipulation that may be read into evidence absent any objections, including a brief summary of the case for use during voir dire.
 - b. **Witnesses**: The parties must file a list of all proposed witnesses, identifying those witnesses the party will call and those the party may call. Except for good cause shown, no party may call any witnesses not included on this witness list.
 - c. **Exhibits**: The parties must:
 - i. Mark for identification all exhibits they intend to offer at trial, including demonstrative and illustrative aids (with Plaintiff(s) using Arabic numerals, Defendant(s) using letters and proceeding to AA, AB . . . AZ and so on if necessary, and specifying their name if needed to distinguish between parties of the same type, e.g. Pl. Jones–1, Def. Smith–A).
1. **No later than 7 days before the pretrial conference**, the parties must file any objections to the exhibits. Before doing so,

the parties must meet and confer telephonically or in-person and attempt to resolve any issues. The Court will deem waived any objections not made in writing at least 7 days before the pretrial conference. **No later than 3 days before the pretrial conference**, the proponent must file a response or the exhibit will not be admitted.

- ii. Submit copies of their exhibits and any certifications under Federal Rule of Evidence 902(11) or (12) to opposing counsel for examination.
 - iii. File a list of all exhibits, identifying those exhibits the party will introduce and those the party may introduce and indicating whether the party intends to authenticate any business record under Federal Rule of Evidence 902(11) or (12). Except for good cause shown, no party may offer any exhibits not identified in the exhibit list or submitted for examination by opposing counsel.
- d. **Depositions, Interrogatory Answers, and Requests for Admission**: The parties must file a list of all interrogatory answers, deposition excerpts (identified by page and line numbers), and answers to requests for admissions the parties intend to offer in evidence. Because parties may use depositions at trial only in compliance with Federal Rule of Civil Procedure 32, the parties must include a concise explanation of why these requirements are satisfied. Except for good cause shown, no party will be permitted to offer any interrogatory answer, deposition excerpt, or answer to a request for admissions not included in a timely filing.
- i. **No later than 7 days before the pretrial conference**, each party must file any objections to such evidence and identify any proposed counter-designations. Before filing any objections, the parties must meet and confer and attempt to resolve any issue with such testimony. The Court will consider as waived any objections not made as required above.
- e. **Jury Instructions**: The parties must exchange proposed jury instructions and verdict forms, with each request supported by at least one pertinent citation. Thereafter, the parties must meet and confer and attempt to resolve any contested issue. To that end, lead counsel must personally speak before submitting any instructions to the Court.

Unless otherwise ordered by the Court upon a showing of good cause, the parties must comply with the following pretrial compliance deadlines **no later than 7 days before the pretrial conference**:

- f. **Proposed Voir Dire**: Voir dire will be conducted by the Court, with counsel allowed to ask follow-up questions to specific panel members based on their responses. The parties must submit any requests for specific questions they would like the Court to ask during voir dire.

- g. **Pretrial Brief**: The parties must each file a pretrial brief stating the legal and factual issues and authorities relied on and discussing any anticipated substantive or procedural problems.
- h. **Exhibits**: Each party must separately submit copies of the exhibits they expect to introduce at trial to Judge Bluestone's Judicial Assistant, Erica Wall. Prior to this deadline, each party must contact chambers to determine how to submit exhibits (e.g., email, Dropbox, hard copy, or USB drive).
- i. **Jury Instructions**: The parties must jointly file a single document that: (1) identifies the agreed-on final jury instructions, (2) indicates the disputed instructions with each party's proposed language, and (3) includes the proposed verdict forms. The parties must support each request by at least one pertinent citation. The parties must also email a Microsoft Word version of the jointly filed document and a clean copy to chambers.
 - i. The parties need not submit any jury instructions to be given at the beginning of trial; Judge Bluestone has his own standard set.
- j. **Motions in Limine**: The parties must file all motions in limine to exclude evidence. Before filing a motion in limine, the parties must meet and confer and attempt to resolve any contested issues. If the parties agree that certain evidence should be excluded, the parties must jointly file a stipulation regarding which evidence should be excluded.
 - i. **No later than 3 days before the pretrial conference**, the parties must file responses to motions in limine. The parties need not file a reply.

Pursuant to Local Rule 8.04, if the parties terminate or settle a case and fail to immediately notify the Court in time to cancel the jury attendance or use the summoned jurors in another trial, the Court may tax against one or all parties the per diem, mileage, and other expenses of providing a jury for the parties. The Court reminds the parties that the failure to comply with these deadlines will result in sanctions, including the dismissal of this action, entry of default judgment, or restrictions on the admissibility of evidence. *See* FED. R. CIV. P. 16(f)(1)(C); E.D. Mo. L.R. 5.04.

So ordered this 9th day of September 2026.



ZACHARY M. BLUESTONE
UNITED STATES DISTRICT JUDGE