

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DODOCASE VR, INC., et al.,
Plaintiffs,
v.
MERCHSOURCE, LLC, et al.,
Defendants.

Case No.17-cv-07088-EDL

**ORDER GRANTING JOINT MOTION
TO LIFT STAY AND MODIFY CASE
SCHEDULE**

Re: Dkt. No. 122

Having considered the parties' Joint Motion to Lift Stay and Modify Case Schedule, Dkt. No. 122, the Court hereby GRANTS the parties' motion and lifts the stay in the case. The Court refers this action to the Alternative Dispute Resolution (ADR) Unit for mediation. The Court modifies the case schedule as follows:

Proposed Deadline	Event
October 8, 2019	Defendants to move, plead, answer or otherwise respond to Plaintiffs' Second Amended Complaint (ECF 98)
October 8, 2019	Parties to supplement Rule 26 Disclosures
October 8, 2019	Parties to respond to all outstanding discovery reasonably related to the contract issues ¹ , including production of all documents responsive thereto
November 8, 2019	The parties' cross-motions regarding: <ol style="list-style-type: none"> 1. When MerchSource provided sufficient <i>Lear</i> notice; and 2. Whether a sufficient <i>Lear</i> notice applies during the Sell-Off period under the MLA.
November 22, 2019	The parties' oppositions to <i>Lear</i> motions

¹ This deadline does not limit the scope of additional discovery that may be served (including upon third parties) or relieve the parties of the obligation to respond to other outstanding discovery requests; however, the parties agree to meet and confer in good faith to discuss deadlines to

Proposed Deadline	Event
December 2, 2019	The parties' replies in support of their <i>Lear</i> motions
January 24, 2020 – or as soon thereafter as the Parties may be heard	Hearing on <i>Lear</i> motions
7 days after ruling on <i>Lear</i> motions (unless modified)	Deadline for parties to file motion to join parties or amend pleadings
7 days after ruling on <i>Lear</i> motions (unless modified)	Parties to file status report regarding impact of ruling on <i>Lear</i> motions and proposing dates certain for remaining activities
Within 30 days after ruling on <i>Lear</i> motions	Mediation with N.D. Cal. ADR Unit
30 days after ruling on <i>Lear</i> motions (unless modified)	Plaintiffs' amended infringement contentions and priority contentions chart
47 days after ruling on <i>Lear</i> motions (unless modified)	Defendants' invalidity contentions
61 days after ruling on <i>Lear</i> motions (unless modified)	Patent Local Rule 4-1 - Parties exchange proposed terms for construction
77 days after ruling on <i>Lear</i> motions (unless modified)	Patent Local Rule 4-2 - Parties exchange proposed claim constructions
92 days after ruling on <i>Lear</i> motions (unless modified)	Patent Local Rule 3-8 – Damages contentions
102 days after ruling on <i>Lear</i> motions (unless modified)	Patent Local Rule 4-3 – Parties to file joint claim construction and prehearing statement
122 days after ruling on <i>Lear</i> motions (unless modified)	Patent Local Rule 3-9 – Responsive damages contentions
132 days after ruling on <i>Lear</i> motions (unless modified)	Deadline to complete claim construction discovery
147 days after ruling on <i>Lear</i> motions (unless modified)	Opening claim construction brief
161 days after ruling on <i>Lear</i> motions (unless modified)	Responsive claim construction brief
168 days after ruling on <i>Lear</i> motions (unless modified)	Reply claim construction brief
At the Court's convenience	Claim construction technology tutorial
At the Court's convenience	Claim construction hearing

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IT IS SO ORDERED.

Dated: September 25, 2019


ELIZABETH D. LAPORTE
United States Magistrate Judge

United States District Court
Northern District of California