

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Oticon A/S and Oticon, Inc.,

Civil No. 15-2801 (PJS/HB)

Plaintiffs,

v.

GN Resound A/S and GN Hearing
Care Corporation,

**NOTICE OF
PRETRIAL CONFERENCE
(PATENT CASES)**

Defendants.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a pretrial conference will be held on **October 2, 2015 at 2:00 p.m.**, before United States Magistrate Judge Hildy Bowbeer, in Chambers – Room 632, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, Saint Paul, Minnesota 55101.

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, counsel shall meet prior to the scheduled pretrial conference to discuss settlement and the matters required by Fed. R. Civ. P. 26(f), and shall jointly prepare and file a complete written Report of the Rule 26(f) meeting **at least one week** prior to the pretrial conference. The Report must be submitted in the attached format. Please email a copy of the report in Word format to Magistrate Judge Bowbeer at ***bowbeer_chambers@mnd.uscourts.gov***.

In addition, counsel for each party shall email to chambers **at least one week** before the pretrial conference a confidential settlement letter addressing the matters described in the attached Rule 26(f) Report form.

If any party does not have counsel of record listed in this case, Plaintiff's counsel bears the responsibility to (1) immediately notify those parties and counsel of this conference, and (2) inform those parties and counsel of the requirements set forth in this notice.

Failure of any party or counsel to comply with any part of this Notice, including delivery of a copy of the Rule 26(f) Report to Magistrate Judge Bowbeer's chambers by

the time specified in this Notice, may result in the postponement of the pretrial conference, the imposition of an appropriate sanction on the party or attorney who failed to comply, or both.

Lead trial counsel should make every effort to attend the pretrial conference in person. If this is not possible, substitute counsel who can knowledgeably discuss the dispute, the matters set forth in Fed. R. Civ. P. 16(c), the Rule 26(f) Report, and the status of settlement discussions should attend. If lead counsel is not a member of the Minnesota bar, local counsel should also attend. Counsel should contact Judy Kirby, Magistrate Judge Bowbeer's Courtroom Deputy/Judicial Assistant, at 651-848-1900 with respect to any matters concerning the pretrial conference.

Magistrate Judge Bowbeer generally discourages attendance by phone at the pretrial conference except where participation in person would impose an undue burden in view of the nature of the case, the amount in issue, and the matters likely to be discussed at the conference. **If counsel wishes to appear by phone**, please contact Ms. Kirby at 651-848-1900 prior to the pretrial conference to make arrangements.

Dated: August 21, 2015

s/ Hildy Bowbeer

HILDY BOWBEER

United States Magistrate Judge

Attachment

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

*

Plaintiff*,

Civil No. *

v.

*

Defendant*.

**RULE 26(f) REPORT
(PATENT CASES)**

The parties/counsel identified below conferred as required by Fed. R. Civ. P. 26(f) and the Local Rules, on _____, and prepared the following report.

The initial pretrial conference in this matter is scheduled for _____, 20____, before United States Magistrate Judge Hildy Bowbeer in Room 632, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101.

DESCRIPTION OF CASE

1. Concise Factual Summary of Plaintiff's Claims;
2. Concise Factual Summary of Defendant's claims/defenses;
3. Statement of Jurisdiction (including statutory citations);
4. Summary of Factual Stipulations or Agreements;
5. Statement as to whether all process has been served and all pleadings filed, and any current plans for any party to move to amend pleadings or add additional parties to the action;
6. Statement of whether jury trial has been timely demanded by any party;

7. If applicable, a list of all insurance carriers/indemnitors, including limits of coverage of each defendant or statement that the defendant is self-insured; and
8. If the parties would like the case resolved under the Rules of Procedure for Expedited Trials of the United States District Court for the District of Minnesota, a statement of the parties' agreement to that effect.

FACT DISCOVERY DEADLINES AND LIMITS

Pursuant to Fed. R. Civ. P. 26(f), the parties must prepare a discovery plan that is designed to maximize the efficiency of pretrial case preparation. The parties must review and address each of the matters set forth in Fed. R. Civ. P. 26(f)(3)(A)-(F) and design a discovery plan that is appropriate and proportionate to the case. The Court expects counsel and parties to cooperate in the development and implementation of the discovery plan, and refers the parties to the Sedona Conference Cooperation Proclamation (2008) (copy attached).

The details of the discovery plan should be set forth in this Report. The following discovery schedule and limitations are intended to guide the parties and should be useful in the ordinary case; however, the parties are encouraged to reach agreement on, and suggest to the Court, a discovery plan that takes into account the unique circumstances of the individual case. To the extent the parties cannot reach agreement on any particular item, they should set forth their separate positions in this section so that they can be discussed at the Pretrial Conference.

1. The parties must make their initial disclosures under Fed. R. Civ. P. 26(a)(1) on or before _____. If a description by category and location of the documents is offered pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii), the party will provide a copy of all initial disclosure documents by _____.

2. Fact discovery shall be commenced in time to be completed on or before _____.
3. The parties propose that the Court limit the use and numbers of discovery procedures as follows:
 - a. No more than a total of ____ interrogatories, counted in accordance with Rule 33(a), shall be served by each party/side.¹
 - b. No more than ____ document requests shall be served by each party/side.
 - c. No more than ____ requests for admissions shall be served by each party/side.
 - d. No more than ____ fact depositions, including Rule 30(b)(6) depositions, shall be taken by each party/side.

Where appropriate, the parties are encouraged to discuss and include in this Report additional agreements concerning limitations on the number and/or length of depositions, how Rule 30(b)(6) depositions will be counted, the arrangements that may be needed for depositions taken outside the U.S. and/or in a language other than English, and other issues that, if addressed early, could make deposition discovery more cost-effective and avoid costly and time-consuming disputes.

- e. Other agreements on fact discovery:
4. Other Discovery Issues.
 - a. The parties have met and discussed whether any discovery should be conducted in phases to reduce expenses or make discovery more effective and present the following joint/ individual proposals:

¹ If the parties propose that totals be allocated on some basis other than per person or entity, the parties shall define what constitutes a “party” or “side” for purposes of these limitations on discovery.

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