

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BIG BEINGS USA PTY LTD AND LB
ONLINE & EXPORT PTY LTD (D/B/A
LOVE TO DREAM ONLINE AND
EXPORTS),

Plaintiffs,

v.

NESTED BEAN, INC.

Defendant.

Civil Action No. 1:20-cv-10101

**[PROPOSED] CONSENT ORDER AMENDING SCHEDULING ORDER [ECF NO. 41]
TO PRIORITIZE CLAIM CONSTRUCTION, EXPEDITE HEARING AND STAY
DISCOVERY**

Before the Court is the Parties' Joint Motion to Amend Scheduling Order (ECF No. 44) to Prioritize Claim Construction, Expedite Hearing, and Stay Discovery. For good cause shown, the Joint Motion is GRANTED. IT IS THEREFORE ORDERED that Claim Construction is initially limited to the three "prioritized" terms, with Opening Briefs due Friday August 7, 2020 and Response Briefs to be due Friday August 21, 2020. Opening Briefs shall be limited to no more than 25-pages, with Responsive Briefs being no more than 20-pages.

The current scheduling order sets the Claim Construction hearing for December 16, 2020 [ECF No. 41]. The claim construction hearing is scheduled for 9/2/20 @ 10AM, 2020.

The Claim Construction hearing will be a total of ninety (90) minutes of argument, with each side having a total of forty-five (45) minutes, proceeding on a term by term basis with Plaintiffs. No live witnesses will present testimony at the Claim Construction hearing. Upon stipulation and agreement of the Parties, absent material change in the health safety concerns raised by Covid, the hearing will proceed via video-conference.

Upon the Court's issuance of its claim construction ruling, the Parties will meet and confer within thirty (30) days to determine whether settlement is possible and, if not, to develop and propose to the Court a schedule for focused summary judgment motions.

Fact discovery is hereby stayed and all other deadlines set forth in the current Amended Scheduling Order [ECF No. 41] are suspended pending the above-mentioned proceedings. Such stay will not prejudice either Party regarding any outstanding issues, including discovery issues and potential amendments to pleadings, should the stay be lifted.

IT IS SO ORDERED.

Date:

July 24, 2020



Indira Talwani
United States District Judge