

CONFIDENTIALITY ORDER, COURTEXHIBITS, STANDARD, STAYED  
**U.S. District Court**  
**District of Maine (Bangor)**  
**CIVIL DOCKET FOR CASE #: 1:18-cv-00218-JDL**

COPAN ITALIA SPA et al v. PURITAN MEDICAL  
 PRODUCTS COMPANY LLC et al  
 Assigned to: JUDGE JON D. LEVY  
 Referred to: MAGISTRATE JUDGE JOHN H. RICH III  
 Cause: 35:271 Patent Infringement

Date Filed: 06/01/2018  
 Jury Demand: Plaintiff  
 Nature of Suit: 830 Patent  
 Jurisdiction: Federal Question

Date Entered	#	Docket Text
10/14/2021	209	<p>ORDER granting in part and denying in part <u>203</u> Motion to Amend Scheduling Order; granting in part and denying in part <u>204</u> Motion to Amend Scheduling Order. On October 7, 2021, I held a hearing on the parties' competing motions to amend the scheduling order (ECF Nos. 203 &amp; 204), with Attorneys Wodarski, Newman, Cuomo, and Olson appearing for the plaintiffs and Attorneys Anderson, Carlan, and Brann appearing for the defendants. The parties agreed that the stay in this case (<i>see</i> ECF No. 168) should be lifted and that some reopening of discovery is necessary given the dramatic effect that the global pandemic has had on each of them as manufacturers of swabs used in COVID-19 testing. The crux of their dispute was the scope of such discovery. The plaintiffs sought to reopen fact discovery as to events that have occurred since this case was stayed in May 2020; specifically, they sought discovery regarding (1) any new affirmative defenses raised by the defendants, (2) new facts related to damages calculations, (3) new facts related to secondary factors of nonobviousness, and (4) information about the multiple new factories that the defendants have brought online during the stay. The defendants, on the other hand, argued that discovery should be reopened only for the limited purpose of updating damages. After carefully reading the parties' extensive briefing and listening to their oral arguments, I determined that there was good cause to reopen fact discovery as to things that have happened since the stay was put in place in May 2020. I declined to set more precise parameters in the abstract and instructed the parties to come to me with specific discovery disputes, if they are unable to resolve them on their own. However, I made it clear to the plaintiffs that they are not entitled to inspect the defendants' factories without prior court approval. At the conclusion of the hearing, the following deadlines were established based on the parties' proposals: the deadline for amendment of pleadings/joinder of parties shall be October 15, 2021; the parties shall serve their written discovery requests on each other also by October 15, 2021, except that if additional discovery is required by any amended pleadings filed on or before that date, such discovery requests shall be served by October 22, 2021; fact discovery shall be completed by January 7, 2022; expert discovery shall be completed by March 15, 2022; any Local Rule 56(h) notice shall be filed by March 22, 2022; any dispositive/<i>Daubert</i>/<i>Kumho</i> motions shall be filed by April 5, 2022; and this case shall be placed on the May 2022 trial list, to be trial-ready by May 3, 2022. Given this fairly tight time frame, I directed the parties to seek the court's assistance with any discovery disputes promptly, subject, of course, to their obligation to meet and confer in good faith beforehand. By MAGISTRATE JUDGE JOHN H. RICH III. (RICH III, JOHN) (Entered: 10/14/2021)</p>