

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<u>Sherwin-Williams,</u>)	
)	
)	
v.)	<u>Civil No. 17-1023</u>
)	
<u>PPG Industries</u>)	
)	
Defendant.)	

HEARING ON: Final Pretrial Conference

Before Senior Judge Joy Flowers Conti

Garret Leech, Megan New, Greg Poulins, Adam Kaufmann
Attorneys for Sherwin

Celine Crowson, Rich Weibley, Joe Rafetto
Attorneys for PPG

Date January 5, 2022
Hearing began 2:30 p.m.
Stenographer Barb Loch

Hearing concluded 4:45 p.m.
Law Clerk Mark Hall

Court held final pretrial conference, with some counsel attending by zoom. Motion to postpone trial granted. Jury selection will proceed on February 28, 2022 with trial to follow. The court will try to move jury selection and trial to February 21 if possible. The parties to submit a set of Joint Exhibits by January 19, one set with expected trial exhibits and a subset with potential rebuttal/cross exhibits and notify the court of any disputes. Exhibits to be numbered "Joint -x", "PPG-x" and "Sherwin-x". Parties shall disclose known rebuttal/surrebuttal witnesses for both phases at least 7 calendar days prior to jury selection. Names to be provided to court to include in voir dire. Parties to confer about glossary terms not previously defined. Parties to agree on breakout rooms on 3rd and 6th floors, which will not be locked. Parties to confer about a jury instruction on Dr. Perez as fact/expert. SW to submit case re designating fact vs. expert by Jan.

12. PPG to respond by Jan. 19. Parties must show other side PowerPoints/demonstratives used in openings and may not use quotes from documents unless they know the documents will be admitted in evidence. Parties to confer about preliminary instruction about disclosure of Perez Patent to the PTO. Court discussed voir dire procedures and parties will submit updates and suggestions to law clerk. Court will incorporate and recirculate for review. Motions hearing to be set for Feb. 1 at 2:30 for Phase I exhibit disputes. Phase II joint exhibits and disputes to be submitted by Feb. 9. Hearing to be set for Feb. 17 at 2:30 for Phase II exhibit disputes. Parties to provide input on draft prelim Phase I instructions to law clerk by Jan. 12. Court to incorporate and recirculate. Parties to confer on amount of trial time (to be equal) and will use a clicker to track own use. Parties to confer with special master about proffer for industry standards evidence. All as stated on the record.