

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PERDIEMCO LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 20-1397-GBW-SRF
)	
CALAMP CORP.,)	
)	
Defendant.)	

MEMORANDUM ORDER

At Wilmington this **25th** day of **October, 2022**, the court having considered the motion to amend the scheduling order filed by PerDiemCo LLC (“Plaintiff”) (D.I. 89),¹ IT IS ORDERED that the balance of the case schedule shall proceed in the following manner for the reasons set forth below:

1. Having reviewed the parties’ competing proposals for scheduling order deadlines to govern the balance of the case, the court adopts the following deadlines, which are generally consistent with the amount of time provided under the previous scheduling order (D.I. 16, D.I. 37, D.I. 81):

EVENT	CURRENT DATE	NEW DATE
Joinder of parties / amendment of pleadings	October 14, 2022	November 25, 2022
Claim construction hearing slides	January 3, 2023	January 3, 2023
Claim construction hearing	January 10, 2023	January 10, 2023
Decision on claim construction	February 10, 2023	February 10, 2023
Final infringement contentions	November 6, 2022	February 17, 2023
Suppl. Identification of Accused Products	November 6, 2022	February 17, 2023
Final invalidity contentions	December 6, 2022	March 17, 2023
Fact discovery cutoff	December 6, 2022	March 17, 2023
Expert reports for party with initial burden of proof and Daubert motions	December 14, 2022	April 10, 2023

¹ The briefing associated with the pending motion is found at D.I. 90 and D.I. 99.

Supplemental disclosure to contradict or rebut evidence on the same matter identified by another party	January 25, 2023	May 22, 2023
Reply expert reports from party with initial burden of proof	February 15, 2023	June 12, 2023
Expert depositions completed	March 15, 2023	July 14, 2023
Case dispositive and Daubert motions	April 12, 2023	August 11, 2023
Pretrial conference	September 8, 2023	December 21, 2023 at 10:00 a.m.
5-day jury trial	September 18, 2023	January 8, 2024 at 9:30 a.m.

2. The amended dates address Plaintiff's concerns by delaying the submission of final contentions and the close of fact discovery until after a decision on claim construction has issued. The amended dates otherwise track the time frame proposed by defendant CalAmp Corp. and the amount of time between case events set forth in the previous scheduling order.

3. On or before **October 31, 2022**, the parties shall file the form of an amended case scheduling order consistent with this Memorandum Order. The proposed scheduling order should be consistent with Judge Fallon's "Rule 16 Scheduling Order-Patent" up through and including paragraph number 12 posted at <https://www.ded.uscourts.gov/judge/magistrate-judge-sherry-r-fallon> and the parties are to use Judge Williams' "Rule 16 Scheduling Order – Patent (Non-ANDA)" posted at <https://www.ded.uscourts.gov/judge/judge-gregory-b-williams> for all events including and following Case Dispositive Motions.

4. This Memorandum Order is filed pursuant to 28 U.S.C. § 636(b)(1)(A), Fed. R. Civ. P. 72(a), and D. Del. LR 72.1(a)(2). The parties may serve and file specific written objections within fourteen (14) days after being served with a copy of this Memorandum Order. Fed. R. Civ. P. 72(a). The objections and responses to the objections are limited to four (4) pages each.

5. The parties are directed to the court's Standing Order For Objections Filed Under Fed. R. Civ. P. 72, dated March 7, 2022, a copy of which is available on the court's website, www.ded.uscourts.gov.



Sherry R. Fallon
United States Magistrate Judge