

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RESMED CORP.,)	CASE NO. 1:23-cv-2221
)	
Plaintiff,)	JUDGE BRIDGET MEEHAN BRENNAN
)	
v.)	
)	
CLEVELAND MEDICAL DEVICES,)	CASE MANAGEMENT ORDER
INC.,)	
)	
Defendant.)	

The Case Management Conference (“CMC”) in this matter was held on January 9, 2024. Attorneys Sean Cunningham, David Knudson, and Michael Reed participated on behalf of Plaintiff. Attorneys James Hannah, Charles Keller, and Joshua Friedman participated on behalf of Defendant.

The parties and counsel of record agreed to the following, and **IT IS SO ORDERED** that:

1. This case is assigned to the **complex** track.
2. This case will be referred for Alternative Dispute Resolution (“ADR”):

Yes _____ No _____ Decision delayed X

3. The parties **do not** consent to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

4. **Schedule Through Claim Construction Hearing**

Date	Action
1/12/24	Electronically Stored Information. The parties will finalize an alternative agreement that sets out retention guidelines, search methodology, the format for production, and

procedures for addressing attorney-work product or privileged information. As an attachment to the proposed order, the parties will file a comparison document setting out in detail where the proposed order deviates from Appendix K.

1/12/24	Protective Order. The parties will submit an alternative protective order for the Court's consideration. As an attachment to the proposed order, the parties will file a comparison document setting out in detail where the proposed order deviates from Appendix L.
2/19/24	Deadline to Respond to Amended Answer
3/5/24	LPR 3.1-3.2 Infringement Contentions
4/4/24	LPR 3.3-3.4 Non-Infringement Contentions
5/9/24	LPR 3.5-3.6 Invalidity and Unenforceability Contentions
5/24/24	LPR 4.1(a) Preliminary ID of Claim Terms to be Construed
5/29/24	LPR 3.7 Validity and Enforceability Contentions
6/13/24	LPR 4.1(c) Final ID of Claim Terms
6/28/24	LPR 4.2(a) and (b) Preliminary Claim Constructions and Supporting Materials
7/15/24	LPR 4.3(a) ID of Claim Construction Expert and Report (if any such expert will testify at the claim construction hearing)
7/30/24	LPR 4.3(b) Disclosure of Rebuttal Claim Construction Expert
8/14/24	LPR 4.3(c) Completion of Expert Discovery re Claim Construction
8/19/24	LPR 4.2(c) Final Claim Construction
9/10/24	LPR 4.4(a) Opening Claim Construction Submissions
10/10/24	LPR 4.4(b) Responsive Claim Construction Submissions

10/15/24	LPR 4.5 Joint Claim Construction and Prehearing Statement
11/12/24	Claim Construction Hearing set for 9:00 a.m. in Courtroom 15B (LPR 4.6)


The Court will resolve the order of presentation, number of witnesses, and length of the Claim Construction Hearing at a later date.

A **telephonic status conference** with lead counsel will be held on March 13, 2024, at 12:00 p.m.

All parties are reminded of the need to adhere to all applicable rules of procedure and this Court's Initial Standing Order (Doc. No. 31).

IT IS SO ORDERED.

Date: January 10, 2024



BRIDGET MEEHAN BRENNAN
UNITED STATES DISTRICT JUDGE