UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

THE IPE CLIP FASTENER COMPANY, LLC,

Plaintiff, **Case No.: 8:16-cv-02862-SDM-TGW**

v.

SIMPSON STRONG-TIE COMPANY, INC.,

Defendant.

PLAINTIFF'S UNOPPPOSED MOTION FOR CHANGE OF SCHEDULE FOR CLAIM CONSTRUCTION BRIEFING AND OPPOSED MOTION FOR A STAY OF CLAIM CONSTRUCTION BRIEFING PENDING THE COURT'S DECISION ON IPE CLIP'S MOTION TO STAY (DOC. 41)

Plaintiff, The Ipe Clip Fastener Company, LLC ("Ipe Clip"), by and through its undersigned attorneys and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, moves for entry of an order modifying the scheduling order based on the proposed claim construction briefing schedule below:

Plaintiff's Claim Construction Brief:	September 8, 2017
Defendant's Responsive Claim Construction Brief:	October 10, 2017
Joint Pre-Hearing Statement:	November 6, 2017
Claim Construction Hearing:	On or after December 4, 2017

Defendant, Simpson Strong-Tie Company, Inc. ("Simpson") consents to the above schedule. On August 14, 2017, Jennifer L. Friedman, counsel for Ipe Clip, conferred with Erick Howard, counsel for Simpson, who consented to the above schedule. Ipe Clip's counsel has an appellate brief due shortly, and also recently spent time moving her daughter to college. Ipe Clip submits that the foregoing constitutes good cause for the Court to extend the referenced deadlines as requested.

In lieu of the above schedule, Ipe Clip moves for a stay of claim construction briefing pending the Court's decision on Ipe Clip's Motion to Stay Pending Reexamination (Doc. 41). If the Court grants Ipe Clip's Motion for a Stay Pending Reexamination, there will be no need for Ipe Clip (or Simpson) to incur the attorney fees related to these extensive claim construction briefs. If the Court denies Ipe Clip's Motion for a Stay Pending Reexamination, Ipe Clip proposes that its claim construction brief be due four weeks after the Court's decision on that motion, with Simpson's brief due four weeks later. Ipe Clip believes that a stay of claim construction briefing will avoid further motions to enlarge deadlines and will be more efficient and cost effective for the parties. *See e.g., Grove v Caliber Home Loans, Inc.,* Case No. 6:16-cv-1460-Orl-40TBS, 2016 US Dist. LEXIS 177879, at *2-3 (M.D. Fla. Dec. 23, 2016) (staying discovery pending resolution of motion to dismiss to conserve resources).

On August 14, 2017, Jennifer L. Friedman, counsel for Ipe Clip conferred with Erick Howard, counsel for Simpson, who did not consent to Ipe Clip's Motion for a stay of claim construction briefing pending the Court's decision on Ipe Clip's Motion to Stay Pending Reexamination (Doc. 41).

WHEREFORE, Ipe Clip requests that the Court grant its Motion to Stay Claim Construction Briefing pending its decision on Ipe Clip's Motion to Stay Pending Reexamination, or in the alternative, enter an order modifying the scheduling order based on the proposed agreed-upon claim construction briefing schedule set forth above.

Dated August 16, 2017

Respectfully submitted by,

s/ J. Todd Timmerman
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Attorneys for Plaintiff The Ipe Clip Fastener Company, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 16, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic filing to all counsel of record.

s/ J. Todd Timmerman
Attorney