UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 13-24235-CIV-SEITZ

GENETECH INC.,

Plaintiff,

vs.

HAWK TECHNOLOGY SYSTEMS, LLC

Defendant.
_____/

ORDER FOLLOWING HEARING SETTING DEADLINES FOR CLAIMS CONSTRUCTION BRIEFING AND GRANTING IN PART AND DENYING IN PART DEFENDANT/ COUNTER-PLAINTIFF'S AMENDED MOTION TO STRIKE AFFIRMATIVE DEFENSES TO COUNTERCLAIM

THIS CAUSE came before the Court for a Rule 16(b) Scheduling Conference on May 13, 2014 at which the Court discussed case management matters, the sufficiency of Plaintiff's Infringement Contentions, and claims construction briefing and also heard argument from the parties on Defendant/Counter-Plaintiff's Amended Motion to Strike Affirmative Defenses to Counterclaim [DE 13, 14]. For the reasons set forth at the hearing, it is,

ORDERED THAT

(1) **Amended Infringement Contentions:** Plaintiff shall file its amended infringement contentions no later than **June 2, 2014**.

(2) **Joint Claims Construction Statement:** The parties shall exchange lists of claim terms that may require claims construction by **June 9, 2014.** The parties are advised to only select terms that are **material to the resolution of the dispute**. Before **July 2, 2014**, the parties shall meet and confer to determine which claim terms are disputed. Following the initial meet and

confer, the parties shall exchange proposed claim constructions for the identified disputed terms. No later than **August 5, 2014,** after reviewing the other party's proposed constructions, the parties shall once again meet and confer to determine which terms require claims construction by the Court. No later than **August 19, 2014,** the parties shall file a joint claims construction statement containing only each parties' proposed constructions. The parties are admonished to use their best efforts to submit **no more than ten terms** for claims construction.

(3) **Claims Construction Briefing:** Claims construction briefing shall not exceed twenty-five pages.[1] Based upon the agreement of the parties, the briefing shall occur in an 'opening brief, response, reply' sequence. The patent owner, Defendant/Counter-Plaintiff Hawk Technology Systems, LLC ("Hawk"), shall file the opening brief no later than **August 19, 2014**. The brief shall only set forth the legal basis for Hawk's proposed constructions. Plaintiff Counter-Defendant Genetec Inc. ("Genetec") shall file its opposition brief no later than **September 9, 2014**. Genetec's opposition should set forth the legal basis for its proposed constructions and its opposition to Hawk's proposed constructions. Hawk shall file its reply brief no later than **September 23, 2014**. Hawk's reply brief shall be entirely responsive to Genetec's proposed constructions.

(4) **Prosecution History:** No later than **August 19, 2014,** the parties shall jointly file the prosecution history of US Patent No. RE43,462 including the history related to its predecessor patent, U.S. Patent No. 5,625,410. The parties should also jointly deliver to Chambers **two** courtesy copies of the file history contained in a tabbed three ring binder.

(5) Amended Answer: Defendant/Counter-Plaintiff's Amended Motion to Strike

[1] Hawk shall allocate its pages between its opening and reply briefs as it chooses, but its combined briefing shall not exceed 25 pages.

Affirmative Defenses To Counterclaim [DE 13, 14] is **GRANTED IN PART AND DENIED IN PART.** Genetec's Fifth and Sixth Affirmative Defenses are **STRICKEN** with leave to replead. Genetec shall file an Amended Answer, as discussed at the hearing, no later than **May 16, 2014.**

DONE AND ORDERED in Miami, Florida, this 14th day of May, 2014.

PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc: All counsel of record