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MEDIATION-SRF,PATENT

**U.S. District Court**  
**District of Delaware (Wilmington)**  
**CIVIL DOCKET FOR CASE #: 1:20-cv-00681-MN**

CAO Lighting, Inc. v. GE Lighting, Inc. et al  
Assigned to: Judge Maryellen Noreika  
Related Case: [1:20-cv-00690-MN](#)  
Cause: 35:271 Patent Infringement

Date Filed: 05/20/2020  
Jury Demand: Plaintiff  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
12/09/2021		<p>ORAL ORDER re D.I. <a href="#">137</a> , D.I. <a href="#">139</a> : IT IS HEREBY ORDERED that: (1) Plaintiff's motion to compel LEDVANCE to answer interrogatories and produce documents as to additional accused products is DENIED. With respect to the accused lamp products, Plaintiff's motion is denied as moot because LEDVANCE represents that it supplemented its discovery responses on December 6, 2021. With respect to the accused luminaires products, Plaintiff's motion is denied as untimely because details regarding the products have been publicly available, and Plaintiff was not dependent on LEDVANCE to identify similar products. <i>Cf. Invensas v. Renesas Elecs. Corp.</i>, 287 F.R.D. 273, 283 (D. Del. 2012) (addressing circumstances in which the defendant was better positioned than the plaintiff to gain access to potential accused products). Plaintiff's provision of a link to a Specifications Guide coupled with an assertion that "the same or substantially the same" products are accused is insufficient notice to LEDVANCE that Plaintiff seeks to accuse hundreds of additional products for which LEDVANCE is obligated to provide technical and financial discovery. Plaintiff must disclose with more particularity the products it is accusing. <i>See Round Rock Research LLC v. Lenovo Grp. Ltd.</i>, C.A. 11-1011-RGA, D.I. 86 (D. Del. June 14, 2013); (D.I. 139, Ex. 18 at 14:14-17, 15:5-10) (rejecting wholesale discovery into every light bulb and instructing Plaintiff to identify accused products and request samples from catalogs produced by Defendants). (2) Plaintiff's motion to compel the GE Defendants to supplement their discovery responses to include products that are the same or substantially similar is DENIED. The record confirms that Plaintiff had an opportunity to investigate additional products and seek discovery on them in March and June 2021, but failed to do so. (D.I. 139, Ex. 19 at 5; Ex. 23 at 1, 3) The GE Defendants represent that they have produced all sales data in their possession for the relevant time period and for the relevant products, and they cannot be compelled to produce that which they do not have. (3) Plaintiff's motion to compel the GE Defendants to produce financial and valuation documents relating to the divestiture is DENIED. A similar motion was previously raised during the December 2, 2020 hearing, and the District Judge ordered the production of publicly available deal documents while cautioning that an overbroad request for additional deal documents would not be entertained. (D.I. 139, Ex. 18 at 21:9-22; Ex. 17 at 4) Plaintiff's motion does not acknowledge this ruling and instead broadly seeks "any valuations performed or financial statements compiled as part of or related to General Electric's sales of the consumer lighting and commercial lighting businesses." (D.I. 137, Proposed Order at 3) The GE Defendants further represent that the documents requested are not within their possession, custody or control. (D.I. 139, Ex. 21 at 2) (4) Plaintiff's motion to compel General Electric to designate a witness on various 30(b)(6) topics is DENIED. General Electric represents that it has no employees with knowledge of the topics because all such employees are now employed by GE Lighting. (D.I. 137, Ex. 15 at 2; D.I. 139 at 4) GE Lighting was allegedly served with an identical 30(b)(6) notice, and General Electric represents that GE Lighting's corporate witness has already been deposed. (D.I. 139 at 4) Plaintiff points to no deficiencies in GE Lighting's 30(b)(6) testimony on these topics, nor does Plaintiff explain why an additional deposition of a General Electric witness is necessary and non-cumulative under the circumstances. IT IS FURTHER ORDERED that the discovery dispute teleconference scheduled for December 10, 2021 is CANCELLED. Ordered by Judge Sherry R. Fallon on 12/9/2021. Associated Cases: 1:20-cv-00681-MN, 1:20-cv-00690-MN(lih) (Entered: 12/09/2021)</p>

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