

# EXHIBIT I

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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MEDIATED AMBIANCE LLC,  
  
Plaintiff,  
  
- against -  
  
TOUCHTUNES MUSIC CORP.,  
  
Defendant.

**CIVIL CASE MANAGEMENT PLAN  
AND SCHEDULING ORDER**

18 Civ. 2624 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

After consultation with counsel for the parties, the Court adopts the following Civil Case Management Plan and Scheduling Order, in accordance with Federal Rules of Civil Procedure 16 and 26(f).

1. All parties **do not** consent to conducting further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c).
2. This case **is** to be tried to a jury.
3. No additional parties may be joined except with leave of the Court. Except for good cause shown, any motion to join additional parties must be filed within 30 days from the date of this Order.
4. A party may not amend its pleadings except with leave of the Court. Except for good cause shown, any motion to amend pleadings must be filed within 30 days from the date of this Order.
5. Initial Disclosures and Local Patent Rule Disclosures
  - a. The parties must complete their initial disclosures under Federal Rule of Civil Procedure 26(a)(1) no later than 14 days from the date of this Order.
  - b. Plaintiff shall serve its Local Patent Rule 6 disclosures (“Disclosure of Asserted Claims and Preliminary Infringement Contentions”) no later than **August 27, 2018**.
  - c. The parties must serve initial requests for production of documents by **September 7, 2018**.

- d. The parties must serve interrogatories by **September 7, 2018**.
  - e. Defendant shall serve its Local Patent Rule 7 disclosures (“Preliminary Invalidity Contentions”) no later than **November 26, 2018**.
6. Claim Construction. The parties agree to the following schedule as to claim construction:
- a. No later than **December 27, 2018**, the parties shall serve on the opposing party a list of claim terms for construction.
  - b. No later than **January 25, 2019**, the parties shall serve their respective preliminary claim constructions of each term identified by any party for claim construction, including identification of all intrinsic evidence, all references from the specification or prosecution history that support its preliminary proposed construction and identify any supporting extrinsic evidence including, without limitation, dictionary definitions, citations to learned treatises and prior art and testimony of all witnesses including expert witnesses.
  - c. No later than **February 25, 2019**, the parties shall file a Joint Disputed Claim Terms Chart. The joint chart shall include the following:
    - i. The construction of those terms on which the parties agree;
    - ii. Each party’s proposed construction of each disputed term, together with an identification of all references from the intrinsic evidence that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any other party’s proposed construction, including, but not limited to, dictionary definitions, citations to learned treatises and prior art, and testimony of all witnesses including experts.
  - d. Plaintiff shall file its opening claim construction brief by **March 27, 2019**.
  - e. Defendant shall file its responsive claim construction brief by **April 26, 2019**.
  - f. Plaintiff shall file its reply claim construction brief by **May 3, 2019**.
  - g. A claim construction hearing will occur on **June 7, 2019 at 10:00 a.m.** in Courtroom 705 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY.
7. The parties must submit their Local Patent Rule 10 “Opinions of Counsel” no later than **30 days** after the Court issues a claim construction ruling.
8. The deadline for parties to submit requests for admission will be **30 days** after the Court issues a claim construction ruling.

9. The parties must complete depositions of fact witnesses no later than **60 days** after the Court issues a claim construction ruling.
  - a. Unless the parties agree or the Court so orders, the parties may not hold depositions until all parties have responded to initial requests for document production.
  - b. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
  - c. Unless the parties agree or the Court so orders, non-party depositions must follow initial party depositions.
  - d. Consistent with Federal Rule of Civil Procedure 30(d), the parties may not extend depositions beyond one business day without prior leave of the Court.
10. The parties must complete fact discovery no later than **60 days** after the Court issues a claim construction ruling.
11. The parties must complete expert discovery no later than **90 days** after the close of fact discovery.
  - a. Every party-proponent that intends to offer expert testimony for an issue on which that party bears the burden of proof (other than for purposes of claim construction) – including any counterclaim, cross-claim, or third-party claim – must make such expert disclosures **30 days** after the close of fact discovery.
  - b. Every party-opponent of such claim that intends to offer rebuttal expert testimony (other than for purposes of claim construction) to rebut expert disclosure of the party-proponent in 11(c) must make such rebuttal expert disclosure by **60 days** after the close of fact discovery.
  - c. The parties may depose all experts, but such depositions must occur before the close of expert discovery.
  - d. Plaintiff anticipates expert testimony concerning the following issue(s):  
infringement, validity, claim construction, and damages
  - e. Defendant(s) anticipate expert testimony concerning the following issue(s):  
non-infringement, validity, claim construction, and damages
12. No later than 14 days following the close of fact discovery, all counsel must meet face-to-face for at least one hour to discuss settlement.
13. Parties may make post-discovery dispositive motions and Daubert motions in accordance with the Court's Individual Practices and the following schedule:

- a. Parties seeking to make post-discovery dispositive motions and Daubert motions should submit a letter to the Court in accordance with Rule 4(A) of the Court's Individual Practices within **30 days** of the close of expert discovery.
  - b. Opposition letters are due **7 days** later.
14. Unless otherwise ordered by the Court, within 30 days from the date for the completion of discovery or, if a party has filed a dispositive motion, then within 30 days of a decision resolving the motion, the parties shall submit to the Court for its approval a joint pretrial order prepared in accordance with the Court's Individual Practices and Federal Rule of Civil Procedure 26(a)(3).
15. Counsel for the parties have conferred, and their present best estimate of the length of trial is **7 days**.
16. At the close of discovery or, if a party has filed a dispositive motion, then within 30 days of a decision resolving the motion, the Court will set a Ready Trial Date. At any time on or after the Ready Trial Date, the Court may call the parties to trial upon **48 hours' notice**. Therefore, counsel must notify the Court and their adversaries in writing of any potential scheduling conflicts — including, but not limited to, trials and vacations — that would prevent a trial at a particular time. Such notice must come before the Court notifies counsel of an actual trial date, not after counsel receives notification of the actual trial date. Counsel should notify the Court and all other counsel in writing, at the earliest possible time, of any scheduling problems involving out-of-town witnesses or other exigencies.
17. Where the parties resolve the case before the entry of judgment, they must submit a stipulation of discontinuance – signed by all parties – before the Court will remove the case from the trial calendar. If the parties settle within 48 hours of trial or the filing of a dispositive motion, they must immediately notify the Court of such settlement, and fax to the Court no less than 36 hours before their planned appearance, a stipulation of discontinuance, signed by all parties.
18. The next pretrial conference is scheduled for **December 13, 2018 at 10:00 a.m.** in Courtroom 705 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York.
19. The parties shall submit a joint letter by **December 6, 2018**, updating the Court regarding the status of discovery.

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