

Ex. 1005

**Docket Control Order for Uniloc USA,
Inc. v. BitDefender LLC et al., Case No.
2:16-cv-00394-RWS, E.D. Tex. (“Docket
Control Order”)**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNILOC USA, INC., et al, Plaintiffs,	§	
	§	
v.	§	Case No. 2:16-cv-00393-RWS
	§	LEAD CASE
	§	
AVG TECHNOLOGIES, INC.,	§	
BITDEFENDER LLC,	§	Case No. 2:16-cv-00394-RWS
GOG LTD,	§	Case No. 2:16-cv-00395-RWS
PIRIFORM, INC.,	§	Case No. 2:16-cv-00396-RWS
UBISOFT, INC.,	§	Case No. 2:16-cv-00397-RWS
VALVE CORPORATION,	§	Case No. 2:16-cv-00398-RWS
KASPERSKY LAB, INC.,	§	Case No. 2:16-cv-00871-RWS
SQUARE ENIX, INC.,	§	Case No. 2:16-cv-00872-RWS
Defendants.		

DOCKET CONTROL ORDER

It is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

3 DAYS after conclusion of Trial	Parties to file Motion to Seal Trial Exhibits, if they wish to seal any highly confidential exhibits. EXHIBITS: See Order Regarding Exhibits below.
Trial Date April 16, 2018	9:00 a.m. JURY TRIAL before Judge Robert W. Schroeder, III, Marshall, Texas.
April 16, 2018	9:00 a.m. JURY SELECTION before Judge Robert W. Schroeder, III, Marshall, Texas.
April 3, 2018	9:00 a.m. PRETRIAL CONFERENCE before Judge Robert W. Schroeder, III, Texarkana, Texas. Discuss trial logistics and <i>voir dire</i> procedure. Resolve any pending motions or objections. Lead trial counsel must attend the pretrial conference.
March 27, 2018	File a Notice of Time Requested for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.
March 27, 2018	Responses to Motions in Limine due.

March 20, 2018	<p>File Motions <i>in Limine</i> and pretrial objections.</p> <p>The parties are ORDERED to meet and confer to resolve any disputes before filing any motion <i>in limine</i> or objection to pretrial disclosures.</p>
March 20, 2018	<p>File Joint Final Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials.</p> <p>Parties shall use the pretrial order form on Judge Schroeder's website.</p> <p>Proposed Findings of Fact and Conclusions of Law with citation to authority for issues tried to the bench.</p>
March 13, 2018	Exchange Objections to Rebuttal Deposition Testimony.
March 6, 2018	<p>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings due.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial or hearings, the party or parties making said request shall file a notice with the Court.</p>
March 6, 2018	<p>Exchange Rebuttal Designations and Objections to Deposition Testimony.</p> <p>For rebuttal designations, cross examination line and page numbers to be included.</p> <p>In video depositions, each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections.</p>
February 20, 2018	<p>Exchange Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof.</p> <p>Video and Stenographic Deposition Designation due. Each party who proposes to offer deposition testimony shall serve a disclosure identifying the line and page numbers to be offered.</p>
February 13, 2018	<p>9:00 a.m. HEARING ON ANY REMAINING DISPOSITIVE MOTIONS (INCLUDING DAUBERT MOTIONS) before Judge Robert W. Schroeder, III, Texarkana, Texas.</p>

November 14, 2017	<p>Any Remaining Dispositive Motions due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions).</p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u></p> <p>For each motion filed, the moving party shall provide the Court with one (1) copy of the completed briefing (opening motion, response, reply, and if applicable, surreply), excluding exhibits, in a three-ring binder appropriately tabbed. All documents SHALL be double-sided and must include the CM/ECF header. These copies shall be delivered to Judge Schroeder's chambers in Texarkana as soon as briefing has completed.</p> <p>Respond to Amended Pleadings.</p>
November 10, 2017	Parties to Identify Rebuttal Trial Witnesses.
November 3, 2017	<p>Parties to Identify Trial Witnesses; Amend Pleadings (after <i>Markman</i> Hearing).</p> <p>It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the deadline. However, except as provided in Patent Rule 3-6, if the amendment would affect infringement contentions or invalidity contentions, a motion must be made pursuant to Patent Rule 3-6 irrespective of whether the amendment is made prior to this deadline.</p>
November 3, 2017	Expert Discovery Deadline.
October 13, 2017	<p>Parties designate rebuttal expert witnesses (non-construction issues), rebuttal expert witness reports due. Refer to Local Rules for required information.</p> <p>If, without agreement, a party serves a supplemental expert report after the rebuttal expert report deadline has passed, the serving party must file notice with the Court stating service has occurred and the reason why a supplemental report is necessary under the circumstances.</p>
September 13, 2017	Final Election of Asserted Prior Art.
September 13, 2017	Parties with burden of proof designate expert witnesses (non-construction issues). Expert witness reports due. Refer to Local Rules for required information.
September 8, 2017	Fact discovery deadline.
August 15, 2017	Final Election of Asserted Claims.

July 6, 2017	Comply with P.R. 3-7. (Opinion of Counsel Defenses)
June 15, 2017	9:00 a.m. <i>Markman</i> Hearing before Judge Robert W. Schroeder, III, Texarkana, Texas.
June 1, 2017	<p>P.R. 4-5(d) Chart due.</p> <p>The parties are to meet and confer and jointly submit a claim construction chart on computer disk in Word format listing each party's proposed construction for each of the terms to be addressed at the <i>Markman</i> hearing, including any terms purported to be indefinite. The parties should <u>prioritize</u> and list the terms <u>in order of most importance</u>; the Court will address the terms in the prioritized order presented in the claim construction chart.</p>
May 26, 2017	<p>Parties to file a notice with the Court stating the estimated amount of time requested for the <i>Markman</i> Hearing. The Court will notify the parties if it is unable to accommodate this request.</p> <p>Comply with P.R. 4-5(c) - Reply brief and supporting evidence regarding claim construction due. Plaintiff is to provide the Court with one (1) copy of the completed <i>Markman</i> briefing in its entirety (opening brief, response, and reply) and exhibits in a three-ring binder appropriately tabbed. All documents SHALL be double-sided and must include the CM/ECF header. These copies shall be delivered to Judge Schroeder's chambers in Texarkana as soon as briefing has completed.</p> <p>If a technical advisor has been appointed the moving party is to provide their <i>Markman</i> brief on disk or CD along with a hard copy, tabbed and bound with exhibits to the advisor.</p>
May 19, 2017	Comply with P.R. 4-5(b) - Responsive claim construction brief and supporting evidence due.
April 28, 2017	<p>Comply with P.R. 4-5(a) - The party claiming patent infringement shall serve and file an opening brief and any evidence supporting its claim construction.</p> <p>Briefing shall comply with Local Rules CV-7 and 56 and Patent Rule 4-5(e). <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than joint agreement among the parties.</u></p> <p>Tutorials due. Deadline for parties, if they desire, to provide Court with tutorials concerning technology involved in patent(s). The parties shall submit one (1) copy of their tutorials to the Court. If a technical advisor has been appointed, each party that provides a tutorial shall provide a copy to the advisor.</p> <p>Preliminary Election of Asserted Prior Art.</p>

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