

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

HITACHI MAXELL, LTD.,

*Plaintiff,*

v.

ZTE CORP. and ZTE USA INC.,

*Defendants.*

Case No. 5:16-cv-00179-RWS

**JURY TRIAL DEMANDED**

**DOCKET CONTROL ORDER**

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

<b>3 DAYS after conclusion of Trial</b>	Parties to file <b>Motion to Seal Trial Exhibits</b> , if they wish to seal any highly confidential exhibits.  <b>EXHIBITS: See Order Regarding Exhibits below.</b>
June 25, 2018  Court designated date – not flexible without good cause - Motion Required	<b>9:00 a.m. JURY TRIAL before Judge Robert W. Schroeder III, Texarkana, Texas.</b>  For planning purposes, parties shall be prepared to start the evidentiary phase of trial immediately following jury selection.

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<p>June 18, 2018</p> <p>Court designated date – not flexible without good cause - Motion Required</p>	<p><b>9:00 a.m. JURY SELECTION before Judge Robert W. Schroeder III, Texarkana, Texas.</b></p>
<p>June 5, 2018</p> <p>Court designated date – not flexible without good cause - Motion Required</p>	<p><b>10:00 a.m. PRETRIAL CONFERENCE before Judge Robert W. Schroeder III, Texarkana, Texas.</b></p> <p>Discuss trial logistics and <i>voir dire</i> procedure. Resolve any pending motions or objections.</p> <p>Lead trial counsel must attend the pretrial conference.</p>
<p>May 29, 2018</p>	<p><b>File a Notice of Time Requested for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.</b></p>
<p>May 29, 2018</p>	<p><b>File Responses to Motions <i>in Limine</i>.</b></p>
<p>May 22, 2018</p>	<p><b>File Motions <i>in Limine</i> and pretrial objections.</b></p> <p>The parties are <b>ORDERED</b> to meet and confer to resolve any disputes before filing any motion <i>in limine</i> or objection to pretrial disclosures.</p>

May 22, 2018	<p><b>File Joint Final Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials.</b></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>
May 15, 2018	Exchange Objections to Rebuttal Deposition Testimony.
May 8, 2018	<p><b>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings due.</b></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>
May 8, 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>

<p>April 24, 2018</p>	<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>
<p>May 15, 2018</p> <p>Court designated date – not flexible without good cause - Motion Required</p>	<p><b>9:00 a.m. HEARING ON ANY REMAINING DISPOSITIVE MOTIONS (INCLUDING <i>DAUBERT</i> MOTIONS) before Judge Robert W. Schroeder III, Texarkana, Texas.</b></p>
<p>February 13, 2018</p> <p>Court designated date – not flexible without good cause – Motion Required</p>	<p><b>Any Remaining Dispositive Motions due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions).</b></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><b>Respond to Amended Pleadings.</b></p>

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February 6, 2018	Parties to Identify Rebuttal Trial Witnesses.
January 30, 2018	Parties to Identify Trial Witnesses; Amend Pleadings (after <i>Markman</i> Hearing).  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.
January 24, 2018	Expert Discovery Deadline.
January 5, 2018	Parties designate rebuttal expert witnesses (non-construction issues), rebuttal expert witness reports due. Refer to Local Rules for required information.  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.
December 19, 2017	Final Election of Asserted Prior Art.
December 12, 2017	Parties with burden of proof designate expert witnesses (non-construction issues). Expert witness reports due. Refer to Local Rules for required information.
December 12, 2017	Fact discovery deadline.
November 21, 2017	Final Election of Asserted Claims.
September 27, 2017	Comply with P.R. 3-7. (Opinion of Counsel Defenses)

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