

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

SYNKLOUD TECHNOLOGIES LLC,	)	
	)	
Plaintiff,	)	Civil Action No. 6:19-cv-00527-ADA
	)	
vs.	)	
	)	
ADOBE, INC.,	)	<b>JOINT MOTION FOR ENTRY OF</b>
	)	<b>AGREED SCHEDULING ORDER</b>
Defendant.	)	
	)	

**Agreed Scheduling Order**

Deadline	Item
12/24/2019	Plaintiff serves preliminary <sup>1</sup> infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date ( <i>i.e.</i> the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
1/6/2020	Case Management Conference Date
1/21/2020	Deadline for Motions to Transfer
3/13/2020	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the prior two years, unless the parties agree to some other timeframe.

<sup>1</sup> The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any such material. Any amendment to add claims requires leave of court so that the Court can address any scheduling issues.

5/1/2020	Parties exchange claim terms for construction
5/15/2020	Parties exchange proposed claim constructions
5/29/2020	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall also provide a summary of the witness's expected testimony including the opinions to be expressed and a general description of the basis and reasons therefore. A failure to summarize the potential expert testimony in a good faith, informative fashion may result in the exclusion of the proffered testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number of produce a copy of any such item if not previously produced.
6/12/2020	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions
7/2/2020	Parties file Opening claim construction briefs, including any arguments that any claim terms are indefinite.
7/31/2020	Parties file Responsive claim construction briefs.
8/14/2020	Parties file Reply claim construction briefs.
8/21/2020	Parties submit Joint Claim Construction Statement, optional tutorials, and consolidated briefing collated by Opening, Response, and Reply.
9/11/2020	Full day <i>Markman</i> Hearing
9/18/2020	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
10/23/2020	Deadline to add parties
11/6/2020	Deadline to serve Final Infringement and Invalidity Contentions.
11/13/2020	To the extent that Defendants rely on an opinion of counsel, such opinion(s) must be produced.
12/4/2020	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or claims.
2/26/2021	Close of Fact Discovery
3/25/2021	Opening Expert Reports
5/14/2021	Rebuttal Expert Reports
6/11/2021	Close of Expert Discovery
6/25/2021	Deadline to meet and confer to discuss narrowing the number of claims asserted and prior art references at issue. The parties shall file a report within 5 business days regarding the results of the meet and confer.
7/9/2021	Dispositive motion deadline and <i>Daubert</i> motion deadline.
7/30/2021	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, designations)
8/13/2021	Serve objections to pretrial disclosures/rebuttal disclosures
8/20/2021	Serve objections to rebuttal disclosures and <b>File</b> Motions <i>in limine</i> .

9/3/2021	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, designations); file oppositions to motions <i>in limine</i> .
9/10/2021	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
9/21/2021	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
9/24/2021	Final Pretrial Conference
10/4/2021- 10/22/2021	Predicted Date for First Jury Selection/Trial (Separate trials for Adobe and DropBox)

SIGNED THIS 22nd day of January, 2020.

  
ALAN D. ALBRIGHT  
UNITED STATES DISTRICT JUDGE