

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MONTEREY RESEARCH, LLC,

Plaintiff,

vs.

QUALCOMM INCORPORATED,
QUALCOMM TECHNOLOGIES, INC., and
QUALCOMM CDMA TECHNOLOGIES
ASIA-PACIFIC PTE LTD.,

Defendants.

Civil Action No. 19-2083-NIQA-LAS

MONTEREY RESEARCH, LLC,

Plaintiff,

vs.

NANYA TECHNOLOGY
CORPORATION, NANYA
TECHNOLOGY CORPORATION, U.S.A.,
and NANYA TECHNOLOGY
CORPORATION DELAWARE,

Defendants.

Civil Action No. 19-2090-NIQA-LAS

MONTEREY RESEARCH, LLC,

Plaintiff,

vs.

ADVANCED MICRO DEVICES INC.,

Defendant.

Civil Action No. 19-2149-NIQA-LAS

MONTEREY RESEARCH, LLC,

Plaintiff,

vs.

STMICROELECTRONICS N.V and
STMICROELECTRONICS, INC.,

Defendants.

Civil Action No. 20-0089-NIQA-LAS

MONTEREY RESEARCH, LLC,

Plaintiff,

vs.

MARVELL TECHNOLOGY GROUP LTD.,
MARVELL INTERNATIONAL LTD.,
MARVELL ASIA PTE LTD., and
MARVELL SEMICONDUCTOR, INC.

Defendants.

Civil Action No. 20-0158-NIQA-LAS

**SCHEDULING ORDER FOR PATENT CASES
IN WHICH INFRINGEMENT IS ALLEGED**

AND NOW, this 1st day of October, 2020, the Court having ordered the filing of a proposed scheduling order; the parties having determined after discussion that the matter cannot be resolved at this juncture by settlement, voluntary mediation, or binding arbitration and having, therefore, reached agreement on the issues in this scheduling order¹ except with respect to Section 9(f)(2)

¹ Both AMD and Qualcomm have requested, in several *inter partes* Review (IPR) petitions, that the United States Patent and Trademark Office cancel certain claims of certain patents asserted by Monterey against AMD and Qualcomm. Monterey opposes institution of those IPR petitions, and the United States Patent and Trademark Office has not determined whether to institute them. AMD has moved to stay the entirety of case no. 19-2149-NIQA-LAS pending resolution of its IPR petitions. D.I. 52. Monterey opposes AMD's motion and intends to file its opposition brief on September 16, 2020.

and Section 16 ¶ 2 and briefly explained by the parties in their May 19, 2020 Rule 26(f) submission, D.I. 39-2:

it is hereby **ORDERED** that:

1. Relevant Deadlines and Dates. All relevant deadlines and dates established by this Order are set forth in the chart attached as Exhibit A.

2. Rule 26(a)(1) Initial Disclosures. Unless otherwise agreed to by the parties, the parties shall make their initial disclosures required by Federal Rule of Civil Procedure 26(a)(1) within 21 days of the date of this Order.

3. Disclosure of Asserted Claims and Infringement Contentions. Unless otherwise agreed to by the parties, not later than 50 days after the date of this Order, a party claiming patent infringement shall serve on all parties a “Disclosure of Asserted Claims and Infringement Contentions.” Separately for each opposing party, the “Disclosure of Asserted Claims and Initial Infringement Contentions” shall contain the following information:

(a) Each claim of each asserted patent that is allegedly infringed by each opposing party, including for each claim, the applicable statutory subsections of 35 U.S.C. §271 asserted;

(b) Separately for each asserted claim, each accused apparatus, product, device, process, method, act, or other instrumentality (“Accused Instrumentality”) of each opposing party of which the party is aware. This identification shall be as specific as possible. Each product, device, and apparatus shall be identified by name or model number, if known. Each method or process shall be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process;

(c) A chart identifying specifically where and how each limitation of each asserted claim is found within each Accused Instrumentality, including for each limitation that such party contends is governed by 35 U.S.C. § 112(f), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function;

(d) For each claim alleged to have been indirectly infringed, an identification of any direct infringement and a description of the acts of the alleged indirect infringer that contribute to or are inducing that direct infringement. Insofar as alleged direct infringement is based on joint acts of multiple parties, the role of each such party in the direct infringement must be described;

(e) Whether each limitation of each asserted claim is alleged to be present literally or under the doctrine of equivalents in the Accused Instrumentality;

(f) For any patent that claims priority to an earlier application, the priority date to which each asserted claim is alleged to be entitled;

(g) If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that its own or its licensee's apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party shall identify, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim;

(h) The timing of the point of first infringement, the start of the claimed damages, and the end of claimed damages; and

(i) If a party claiming patent infringement alleges willful infringement, the basis for such allegation.

4. Document Production Accompanying Disclosure of Asserted Claims and Infringement Contentions. With the “Disclosure of Asserted Claims and Infringement Contentions,” the party claiming patent infringement shall produce to each opposing party or make available for inspection and copying:

(a) Documents (e.g., contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third party or joint development agreements) sufficient to evidence each discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, or any public use of, the claimed invention prior to the date of application for the asserted patent(s);

(b) All documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the date of application for the asserted patent(s) or the priority date identified pursuant to paragraph 3(f) of this Order, whichever is earlier;

(c) A copy of the file history for each asserted patent;

(d) All documents evidencing ownership of the patent rights by the party asserting patent infringement;

(e) If a party identifies instrumentalities pursuant to paragraph 3(g) of this Order, documents sufficient to show the operation of any aspects or elements of such instrumentalities the patent claimant relies upon as embodying any asserted claims;

(f) All agreements, including licenses, transferring an interest in any asserted patent;

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