

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

SABLE NETWORKS, INC., SABLE IP,  
LLC,

Plaintiffs,

v.

FORTINET, INC.,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 5:20-CV-00109-RWS

LEAD CASE

**ORDER**

This case is set for a scheduling conference in **Texarkana, Texas** on **October 6, 2020 at 10 a.m.** before the undersigned. The purpose of the scheduling conference will be to confirm the trial setting and to resolve any case management disputes or concerns.

The parties shall prepare and submit joint motions attaching a joint proposed docket control order,<sup>1</sup> a joint proposed discovery order, and a joint proposed protective order, within the time periods contained in the schedule set forth hereinafter.<sup>2</sup> These orders shall be guided by the sample docket control, discovery, and protective orders for patent cases that can be found on the Court's website.

---

<sup>1</sup> Additionally, the parties are encouraged to consider a Track B Case Management Order, a available on Judge Schroeder's website. *See also* General Order 14-3. If the parties elect Track B, they shall file a joint notice of Track B election seven days prior to the scheduling conference and will be excused from filing the proposed docket control, discovery, and protective orders. At the Scheduling Conference, the Court will discuss Track B specific dates with parties who elect Track B and finalize the Track B Initial Case Management Order. All parties shall be prepared to discuss Track B whether they elect it or not.

<sup>2</sup> Timely submission of the parties' proposed docket control order, proposed discovery order, and proposed protective order will be viewed by the Court as complying with the conference requirement of Rule 26(f).

The sample orders include provisions that require input from the parties. The sample orders also include provisions that are mandatory and are not subject to change without showing good cause. Good cause is not shown by a mere indication of the parties' agreement. Should either party believe good cause can be shown to alter an otherwise mandatory provision, then such party shall file a separate motion to alter the provision after the parties have filed the proposed docket control, discovery, and protective orders with the mandatory provisions intact as previously required above.

Furthermore, it is hereby **ORDERED** that the following schedule of deadlines shall be incorporated into the proposed docket control order:

Jury Trial	*February 28, 2022 immediately following jury selection in Texarkana, Texas
Jury Selection	*February 28, 2022 at 9:00 a.m. in Texarkana, Texas
Pre-trial Conference	*February 8, 2022 at 10:00 a.m. in Texarkana, Texas
Dispositive Motion Hearing	*January 11, 2022 at 10:00 a.m. in Texarkana, Texas
Dispositive Motion Deadline	*October 12, 2021
<i>Markman</i> Hearing	*May 12, 2021 at 10:00 a.m. in Texarkana, Texas
3 Weeks After Scheduling Conference	*Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures)

7 Days Before Scheduling Conference	File Proposed Docket Control Order, Proposed Discovery Order, and Proposed Protective Order  The proposed orders shall each be separately filed as a joint motion with the caption indicating whether or not the proposed order is opposed in any part. Any disputes should be redlined and each party's position explained.
-------------------------------------	--

(\*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

The parties shall indicate in their joint motion submitting the proposed Docket Control Order whether they believe a scheduling conference is necessary. After review of the proposed Docket Control Order, Discovery Order and Protective Order, the Court may enter the orders and cancel the scheduling conference. The Court will notify the parties of any cancellation.

**So ORDERED and SIGNED this 10th day of September, 2020.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE