

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

| | | |
|----------------------|---|--------------------------|
| BROADBAND iTV, INC., | § | |
| | § | |
| | § | |
| Plaintiff, | § | |
| | § | Case No. 6:19-cv-716-ADA |
| v. | § | |
| | § | |
| DISH NETWORK L.L.C. | § | |
| | § | |
| Defendant. | § | |
| _____ | § | |

JOINT MOTION TO AMEND CERTAIN SCHEDULING ORDER DEADLINES

Plaintiff Broadband iTV, Inc. and Defendant DISH Network L.L.C. jointly move for entry of the Amended Scheduling Order that is submitted with this motion as a proposed order.

The parties agree and request that the Court's Scheduling Order of April 10, 2020 (Dkt. No. 34) be amended to allow Plaintiff and Defendant additional time to serve expert reports after the completion of certain outstanding discovery.

The current deadline for Opening Expert Reports is June 17, 2021 with Rebuttal Expert Reports due July 15, 2021. The parties have agreed to adjust these deadlines by approximately one week with Opening Expert Reports to be due June 25, 2021, and Rebuttal Expert Reports to be due on July 23, 2021. The parties have also agreed to extend the Close of Expert Discovery from August 5, 2021 to August 12, 2021. The parties do not expect this extension to impact other dates already set in the April 10, 2020, Scheduling Order and are not requesting any other changes to the schedule with this motion.

Plaintiff and Defendant respectfully request that the Court enter this agreed Amended Scheduling Order.

Dated: June 11, 2021

Respectfully submitted:

/s/ Robert Kramer

/s/ Alyssa Caridis

FEINBERG DAY KRAMER ALBERTI LIM
TONKOVICH & BELLOLOI LLP

Robert F. Kramer (pro hac vice)

rkramer@feinday.com

M. Elizabeth Day (pro hac vice)

eday@feinday.com

David Alberti (pro hac vice)

dalberti@feinday.com

Sal Lim (pro hac vice)

Slim@feinday.com

Marc Belloli (pro hac vice)

Mbelloli@feinday.com

Lawrence G. McDonough
(admitted to practice)

lmcdonough@feinday.com

Hong Lin (pro hac vice)

jarmstrong@feinday.com

577 Airport Blvd, Suite 250

Burlingame, CA 94010

Tel: (650) 825-4300

Fax: (650) 460-8443

Wesley Hill (State Bar No. 24032294)

wh@wsfirm.com

Andrea L. Fair

andrea@wsfirm.com

Texas Bar no. 24078488

Claire Abernathy Henry

claire@wsfirm.com

Texas Bar No. 24053063

WARD, SMITH & HILL PLLC

1507 Bill Owens Parkway

Longview, Texas 75604

Tel: (903) 757-6400

Fax: (903) 757-2323

Attorneys for Plaintiff

Broadband iTV, Inc.

ORRICK HERRINGTON & SUTCLIFFE
LLP

Alyssa Caridis (pro hac vice)

777 South Figueroa St., Suite 3200

Los Angeles, CA 90017

213.612.2372

Fax: 213.612.2499

Email: acaridis@orrick.com

ORRICK HERRINGTON & SUTCLIFFE
LLP

Clement Seth Roberts (pro hac vice)

405 Howard Street

San Francisco, CA 94105

(415) 773-5700

Fax: (415) 773-5701

Email: croberts@orrick.com

John P. Palmer

NAMAN HOWELL SMITH & LEE

P.O. Box 1470

Waco, TX 76703-1470

(254) 755-4100

Fax: (254) 754-6331

Email: palmer@namanhowell.com

Attorneys for Defendants DISH Network
L.L.C

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on June 11, 2020.

/s/ Robert Kramer
Robert Kramer

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BROADBAND iTV, INC.,

Plaintiff,

v.

DISH NETWORK, L.L.C.

Defendants.

Civil Action No. 6:19-cv-00716-ADA

AMENDED SCHEDULING ORDER

On this day the Court considered the parties' Joint Motion for Amended Scheduling Order in the above-captioned case.

The Court finds that the Motion is meritorious and should be granted. Therefore,

IT IS ORDERED:

| Deadline | Event |
|--------------------|--|
| June 25, 2021 | Opening Expert Reports. |
| July 23, 2021 | Rebuttal Expert Reports. |
| August 12, 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. |
| August 12, 2021 | Close of Expert Discovery. |
| August 19, 2021 | Dispositive motion deadline and <i>Daubert</i> motion deadline. |
| September 2, 2021 | Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations). |
| September 16, 2021 | Serve objections to pretrial disclosures/rebuttal disclosures. |
| September 23, 2021 | Serve objections to rebuttal disclosures and File Motions <i>in limine</i> . |
| October 1, 2021 | File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> |

| | |
|--|---|
| October 8, 2021 | Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> . |
| 3 business days before Final Pretrial Conference | File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> . |
| 49 weeks after Markman hearing (or as soon as practicable) | Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing. |
| 52 weeks after Markman hearing (or as soon as practicable) | Jury Selection/Trial. November 15, 2021. |

SIGNED on _____.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE