

Hon. Richard A. Jones

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANCORA TECHNOLOGIES, INC.,  
  
Plaintiff,  
  
v.  
  
HTC AMERICA, INC., *et al.*,  
  
Defendants.

Case No. C16-1919RAJ  
  
ORDER SETTING  
PATENT CASE SCHEDULE

Having considered the parties' Joint Status Report (Dkt. #52), the Court enters the following case schedule:

| EVENT   | DATE           |
|---|----------------|
| Deadline to Join Additional Parties   | March 26, 2019 |
| Plaintiff to serve Preliminary Infringement Contentions and Disclosure of Asserted Claims                       | March 26, 2019 |
| Defendant to serve Preliminary Non-Infringement and Invalidity Contentions and accompanying Document Production | April 25, 2019 |
| Parties to exchange Proposed Terms and Claim Elements for Construction  | May 15, 2019   |
| Parties to exchange Preliminary Claim Constructions and Extrinsic Evidence                                      | June 14, 2019  |
| Parties to file Joint Claim Chart and Prehearing Statement  | July 29, 2019  |

ORDER SETTING  
PATENT CASE SCHEDULE – 1

| EVENT  | DATE                                    |
|--|---|
| Completion of Claim Construction Discovery                             | September 17, 2019                      |
| Parties to file Opening Claim Construction Briefs                      | September 23, 2019                      |
| Parties to file Responsive Claim Construction Briefs                   | October 7, 2019                         |
| Tutorial (if necessary)  | To be set by the Court                  |
| Claim Construction Hearing   | To be set by the Court                  |
| Reliance on Opinion of Counsel   | 30 days after Claim Construction Order  |
| Close of Fact Discovery  | 60 days after Claim Construction Order  |
| Parties to Exchange Initial Expert Reports                             | 90 days after Claim Construction Order  |
| Parties to Exchange Rebuttal Expert Reports                            | 120 days after Claim Construction Order |
| Close of Expert Discovery  | 150 days after Claim Construction Order |
| Parties to File Case Dispositive Motions and/or <i>Daubert</i> Motions | 180 days after Claim Construction Order |
| Pretrial Conference  | To be set by the Court                  |
| Trial  | To be set by the Court                  |

These dates are set at the direction of the Court after reviewing the Joint Status Report submitted by the parties. All other dates are specified in the Local Civil Rules and/or Local Patent Rules. **These are firm dates that can be changed only by order of the Court, not by agreement of counsel or the parties. The Court will alter these dates only upon good cause shown.**

#### ALTERATIONS TO ELECTRONIC FILING PROCEDURES

Counsel are required to electronically file all documents with the Court. Pro se litigants may file either electronically or in paper form. Information and procedures for electronic filing can be found on the Western District of Washington's website at [www.wawd.uscourts.gov/ElectronicFiling/ECFHomepage.htm](http://www.wawd.uscourts.gov/ElectronicFiling/ECFHomepage.htm).

ORDER SETTING  
PATENT CASE SCHEDULE – 2

1 The following alterations to the Filing Procedures apply in all cases pending before  
2 Judge Jones:

3 1. **Mandatory chambers copies are required for all e-filed motions, responses,  
4 replies, and surreplies, and all supporting documentation relating to motions,  
5 regardless of page length.**

6 The paper copy of the documents (with tabs or other organizing aids as necessary)  
7 shall be delivered to the Clerk's Office by 12:00 p.m. on the business day after filing. The  
8 chambers copy must be clearly marked with the words "Courtesy Copy of Electronic Filing  
9 for Chambers." The parties are required to print all courtesy copies from CM/ECF using  
10 the "Include headers when displaying PDF documents" feature under "Document Options."  
11 This requirement applies also to pleadings filed under seal.

12 2. **Searchable PDFs:** All documents filed electronically must be submitted in PDF  
13 format to permit text searches and to facilitate transmission and retrieval. Before these  
14 documents are electronically filed, the CM/ECF User shall convert the documents to PDF  
15 format. These documents may not be scanned.

### 16 EXHIBITS

17 The original and one copy of any exhibits to be used at any claim construction  
18 hearing or trial are to be delivered to chambers no later than 4:00 p.m. three days before the  
19 hearing or trial. Each exhibit shall be clearly marked. Exhibit tags are available in the  
20 Clerk's Office. The Court hereby sets forth the following procedure for numbering  
21 exhibits: Plaintiff's exhibits shall be numbered consecutively beginning with 1.  
22 Defendant's exhibits shall be numbered consecutively after Plaintiff's exhibits using the  
23 next number sequence not used by Plaintiff (*e.g.*, if Plaintiff has marked 150 exhibits,  
24 Defendant shall mark its exhibits beginning with 200) . Duplicate documents shall not be  
25 listed twice. Once a party has identified an exhibit, any party may use it. Each set of  
26 exhibits shall be submitted in a three-ring binder with appropriately numbered tabs.

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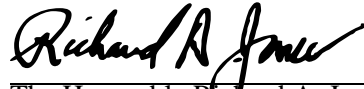
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**SETTLEMENT**

Should this case settle, counsel shall notify Victoria Ericksen as soon as possible at (206) 370-8517. An attorney who fails to give the Court prompt notice of settlement may be subject to such discipline as the Court deems appropriate.

DATED this 11th day March, 2019.

  
The Honorable Richard A. Jones  
United States District Judge

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**Sample Joint Claim Chart**

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| Claim Language<br>(Disputed Terms<br>in <b>Bold</b> )<br>'123 Patent  | Plaintiff's Proposed Construction<br>and Evidence in Support   | Defendant's Proposed<br>Construction and Evidence in<br>Support   |
|---|--|---|
| <p>1. A method for mending <b>fences</b></p> <p>[or]</p> <p><b>fences</b></p> <p>Found in claim numbers:</p> <p>'123 Patent: y, z<br/>'456 Patent: a, b</p> | <p><b>fence</b></p> <p><u>Proposed Construction:</u><br/>A structure that keeps things out.</p> <p><u>Dictionary/Treatise Definitions:</u><br/>Merriam-Webster Dictionary (“a barrier intended to prevent . . . intrusion”).</p> <p><u>Intrinsic Evidence:</u><br/>'123 Patent col __: __ (“keeps stray animals out”); Prosecution History at __ (“this method is more effective than the prior art in reinforcing the fence, and therefore in keeping out unwanted intruders”).</p> <p><u>Extrinsic Evidence:</u><br/>R. Frost Depo. at xx:xx (“Good fences make good neighbors”); '000 Patent at col __: __; Vila Decl. at ¶ __.</p> | <p><b>fence</b></p> <p><u>Proposed Construction:</u><br/>A structure that keeps things in.</p> <p><u>Dictionary/Treatise Definitions:</u><br/>Random House Dictionary (“a barrier enclosing or bordering a field, yard, etc.”).</p> <p><u>Intrinsic Evidence:</u><br/>'123 Patent col: __ (“keeps young children from leaving the yard “); Prosecution History at __ (“dilapidated fences meant to pen in cattle are particularly amenable to this method”).</p> <p><u>Extrinsic Evidence:</u><br/>C. Porter Depo. at xx:xx (“Don’t fence me in”); '111 Patent at col __: __; Thomas Decl. at ¶ __.</p> |

(or similar format that provides side-by-side comparison)