

Hon. Richard A. Jones

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

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.

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

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

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

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

EXHIBITS

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

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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

Sample Joint Claim Chart

Claim Language (Disputed Terms in Bold) ‘123 Patent	Plaintiff’s Proposed Construction and Evidence in Support	Defendant’s Proposed Construction and Evidence in Support
<p>1. A method for mending fences</p> <p>[or]</p> <p>fences</p> <p>Found in claim numbers:</p> <p>‘123 Patent: y, z ‘456 Patent: a, b</p>	<p>fence</p> <p><u>Proposed Construction:</u> A structure that keeps things out.</p> <p><u>Dictionary/Treatise Definitions:</u> Merriam-Webster Dictionary (“a barrier intended to prevent . . . intrusion”).</p> <p><u>Intrinsic Evidence:</u> ‘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> R. Frost Depo. at xx:xx (“Good fences make good neighbors”); ‘000 Patent at col __: __; Vila Decl. at ¶ __.</p>	<p>fence</p> <p><u>Proposed Construction:</u> A structure that keeps things in.</p> <p><u>Dictionary/Treatise Definitions:</u> Random House Dictionary (“a barrier enclosing or bordering a field, yard, etc.”).</p> <p><u>Intrinsic Evidence:</u> ‘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> 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)