

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

ANCORA TECHNOLOGIES, INC.,

Plaintiff,

v.

SONY MOBILE COMMUNICATIONS  
AB, SONY MOBILE  
COMMUNICATIONS (USA) INC.,  
AND SONY MOBILE  
COMMUNICATIONS, INC.,

Defendants.

C.A. No. 19-1703-CFC

JURY TRIAL DEMANDED

**JOINT ~~PROPOSED~~ SCHEDULING ORDER**

This 16<sup>th</sup> day of September, 2020, ~~the Court having conducted an initial Rule~~  
~~16(b) scheduling conference pursuant to Local Rule 16.1(b), and the parties having~~  
determined after discussion that the matter cannot be resolved at this juncture by  
settlement, voluntary mediation, or binding arbitration:

IT IS 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) and Default Standard Paragraph 3 Initial Disclosures:

The parties shall serve their Rule 26(a)(1) Initial Disclosures on or before **September 30, 2020**. The parties shall serve their initial disclosures pursuant to

Paragraph 3 of the Default Standard for Discovery, including Discovery of Electronically Stored Information (“ESI”) (“Default Standard”) on or before **October 30, 2020**.

3. Disclosure of Asserted Claims and Infringement Contentions. Plaintiff shall serve its disclosure of Asserted Claims and Infringement Contentions on or before **October 16, 2020**. Such disclosure shall include:

- (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; and

(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 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. Accompanying their disclosure of asserted claims and infringement contentions on or before **October 16, 2020**, Plaintiff shall produce or make available for inspection and copying a copy of the file history for each Patent. On or before **October 16, 2020**, Plaintiff shall produce or make available for inspection and copying the following:

(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 Patent-in-Suit;

(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 Patent-in-Suit or the

priority date identified pursuant to paragraph 3(f) of this Order, whichever is earlier;

- (c) A copy of the file history for the Patent-In-Suit;
- (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 the Patent-in-Suit;
- (g) All agreements that the party asserting infringement contends are comparable to a license that would result from a hypothetical reasonable royalty negotiation;
- (h) All agreements that otherwise may be used to support the party asserting infringement's damages case;
- (i) If a party identifies instrumentalities pursuant to paragraph 3(g) of this Order, documents sufficient to show marking of such embodying accused instrumentalities; and if the party wants to preserve the right to

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