

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

**JOLED INC.,**

**Plaintiff,**

**v.**

**SAMSUNG ELECTRONICS  
AMERICA, INC., SAMSUNG  
DISPLAY CO., LTD., and SAMSUNG  
ELECTRONICS CO., LTD.**

**Defendants.**

**Civil Action No.: 6:20-CV-00559-ADA**

**JURY TRIAL DEMANDED**

**AGREED SCHEDULING ORDER**

Plaintiff JOLED Inc. (“Plaintiff” or “JOLED”) and Defendants Samsung Electronics America, Inc., Samsung Display Co., Ltd., and Samsung Electronics Co., Ltd. (collectively, “Defendants” or “Samsung”) are hereby **GRANTED** the following Agreed Proposed Scheduling Order:

<b>Event</b>	<b>Due Date</b>
Plaintiff serves preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (i.e. the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.	11/16/2020
Case Management Conference (passed)	11/23/2020
Deadline for Motions to Transfer	12/7/2020
Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the two years preceding the filing of the Complaint, unless the parties agree to some other timeframe.	1/11/2021

<b>Event</b>	<b>Due Date</b>
Parties exchange claim terms for construction.	1/25/2021
Parties exchange proposed claim constructions.	2/8/2021
Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.	2/16/2021
Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.	2/22/2021
Plaintiff files Opening claim construction brief, including any arguments that any claim terms are indefinite.	3/1/2021
Defendant files Responsive claim construction brief.	3/22/2021
Plaintiff files Reply claim construction brief.	4/5/2021
Defendant files a Sur-Reply claim construction brief.	4/19/2021
Parties submit Joint Claim Construction Statement.	4/22/2021
See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).	
Parties submit optional technical tutorials to the Court and technical adviser (if appointed).	4/22/2021
Markman Hearing	04/29/21 at 9:00 AM (half-day)
Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).	4/30/2021
Deadline to add parties.	6/10/2021
Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to reasonably amend if new information is identified after initial contentions.	6/24/2021
Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)	8/19/2021
Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.	10/28/2021

Event	Due Date
Close of Fact Discovery.	11/23/2021
Opening Expert Reports.	12/2/2021
Rebuttal Expert Reports.	1/6/2022
Close of Expert Discovery.	1/27/2022
Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.	2/3/2022
Dispositive motion deadline and <i>Daubert</i> motion deadline.  See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).	2/10/2022
Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).	2/17/2022
Serve objections to pretrial disclosures/rebuttal disclosures.	3/3/2022
Serve objections to rebuttal disclosures and File Motions in limine.	3/10/2022
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions in limine.	3/17/2022
File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a> .	3/24/2022
Deadline to meet and confer regarding remaining objections and disputes on motions in limine.	3/24/2022
File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in limine.	4/4/2022
Final Pretrial Conference. The Court expects to set this date at the conclusion of the Markman Hearing.	4/7/2022
Jury Selection/Trial. The Court expects to set these dates at the conclusion of the Markman Hearing.	4/28/2022



ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE

November 24, 2020

Dated: \_\_\_\_\_