

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

RFCYBER CORP.,	§	Case No. 2:20-cv-00274-JRG
	§	(LEAD CASE)
Plaintiff,	§	
	§	
v.	§	<u>JURY TRIAL DEMANDED</u>
	§	
GOOGLE LLC and GOOGLE PAYMENT	§	
CORP.,	§	
	§	
Defendants.	§	

RFCYBER CORP.,	§	Case No. 2:20-cv-00335-JRG
	§	(MEMBER CASE)
Plaintiff,	§	
	§	
v.	§	<u>JURY TRIAL DEMANDED</u>
	§	
SAMSUNG ELECTRONICS CO. LTD and	§	
SAMSUNG ELECTRONICS AMERICA,	§	
INC,	§	
	§	
Defendants.	§	

DOCKET CONTROL ORDER

In accordance with the Order Setting Scheduling Conference (Dkt. 45) in this case, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

Original Date	Amended Date	Event
March 21, 2022		*Jury Selection – 9:00 a.m. in Marshall, Texas
February 22, 2022		*If a juror questionnaire is to be used, an editable (in Microsoft Word format)

Original Date	Amended Date	Event
		questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date. ¹
February 14, 2022		*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
February 7, 2022		*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
February 7, 2022		*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations.
January 31, 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.
January 24, 2022		File Motions <i>in Limine</i> The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
January 24, 2022		Serve Objections to Rebuttal Pretrial Disclosures.
January 18, 2022		Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures.

¹ The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

Original Date	Amended Date	Event
January 3, 2022		Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof.
December 27, 2021	December 29, 2021	*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV7(e), not to exceed the deadline as set forth in this Docket Control Order. ² Motions for Summary Judgment shall comply with Local Rule CV-56.
December 13, 2021	December 15, 2021	*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
December 13, 2021	December 15, 2021	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
December 6, 2021	December 10, 2021	Deadline to Complete Expert Discovery
November 22, 2021	November 24, 2021	Serve Disclosures for Rebuttal Expert Witnesses
November 1, 2021		Deadline to Complete Fact Discovery and File Motions to Compel Discovery

² The Parties are directed to Local Rule CV-7(d), which provides in part that “[a] party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.” If the deadline under Local Rule CV-7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

Original Date	Amended Date	Event
November 1, 2021	November 8, 2021	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
November 18, 2021		Comply with P.R. 3-7 (Opinion of Counsel Defenses)
October 28, 2021		*Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
October 14, 2021		*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
October 7, 2021		*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
September 30, 2021		*Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
September 16, 2021		*Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a)
September 16, 2021		Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
September 2, 2021		Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
August 26, 2021		File Response to Amended Pleadings
August 12, 2021		*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
August 5, 2021	August 19, 2021	Comply with P.R. 4-3 (Joint Claim Construction Statement)
July 15, 2021	July 29, 2021	Comply with P.R. 4-2 (Exchange Preliminary Claim Construction)
June 24, 2021	July 15, 2021	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)

Original Date	Amended Date	Event
June 23, 2021	July 14, 2021	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions ³
June 23, 2021	July 14, 2021	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
June 2, 2021		*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.
May 26, 2021		*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.
May 19, 2021		Join Additional Parties
April 28, 2021	May 12, 2021	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Mediation: While certain cases may benefit from mediation, such may not be appropriate for every case. The Court finds that the Parties are best suited to evaluate whether mediation will benefit the case after the issuance of the Court's claim construction order. Accordingly, the Court **ORDERS** the Parties to file a Joint Notice indicating whether the case should be referred for mediation **within fourteen days of the issuance of the Court's claim construction order**. As a part of such Joint Notice, the Parties should indicate whether they have a mutually agreeable mediator for the Court to consider. If the Parties disagree about whether mediation is appropriate, the Parties should set forth a brief statement of their competing positions in the Joint Notice.

Summary Judgment Motions, Motions to Strike Expert Testimony, and Daubert Motions: For each motion, the moving party shall provide the Court with two (2) copies of the completed briefing (opening motion, response, reply, and if applicable, sur-reply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and

³ <http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%Eligibility%20Contentions%20.pdf> [<https://perma.cc/RQN2-YUSP>]

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