

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

FIRTIVA CORPORATION

v.

FUNIMATION GLOBAL GROUP, LLC

§  
§  
§  
§  
§

Case No. 2:21-CV-0111-JRG-RSP

**DOCKET CONTROL ORDER**

In accordance with the scheduling conference held in this case, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

<b>AMENDED DATE</b>	<b>ORIGINAL DATE</b>	
	May 23, 2022	*Jury Selection – 9:00 a.m. in <b>Marshall, Texas</b> before Judge Gilstrap
	April 25, 2022	* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date. <sup>1</sup>
	April 19, 2022	*Pretrial Conference – 9:00 a.m. in <b>Marshall, Texas</b> before Judge Roy Payne
	April 11, 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.

<sup>1</sup> The Parties are referred to the Court’s Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

	April 11, 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
	April 4, 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, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
	March 28, 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.
	March 28, 2022	Serve Objections to Rebuttal Pretrial Disclosures
	March 21, 2022	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
	March 7, 2022	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof

	February 28, 2022	*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 CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. <sup>2</sup> Motions for Summary Judgment shall comply with Local Rule CV-56.
	February 14, 2022	*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.
	February 14, 2022	*File Dispositive Motions  No dispositive motion may be filed after this date without leave of the Court.  <u>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
	February 7, 2022	Deadline to Complete Expert Discovery
	January 24, 2022	Serve Disclosures for Rebuttal Expert Witnesses
	January 3, 2022	Deadline to Complete Fact Discovery and File Motions to Compel Discovery

<sup>2</sup> 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.

	January 3, 2022	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
	December 27, 2021	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
	December 3, 2021	*Claim Construction Hearing – 9:00 a.m. in <b>Marshall, Texas</b> before Judge Roy Payne
	November 19, 2021	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
	November 12, 2021	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
	November 5, 2021	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
	October 22, 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).
November 5, 2021	October 22, 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.
October 12, 2021	October 8, 2021	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
	October 1, 2021	File Response to Amended Pleadings
	September 17, 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.

September 24, 2021	September 10, 2021	Comply with P.R. 4-3 (Joint Claim Construction Statement)
September 3, 2021	August 20, 2021	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
August 13, 2021	July 30, 2021	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
September 9, 2021	August 26, 2021	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions <sup>3</sup>
September 9, 2021	August 26, 2021	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
	August 5, 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.
	July 29, 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.
September 17, 2021	July 22, 2021	Join Additional Parties
	July 1, 2021	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

<sup>3</sup> <http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf> [https://perma.cc/RQN2-YU5P]

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.