

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

Ocean Semiconductor LLC,

Plaintiff

v.

Western Digital Technologies, Inc.,

Defendant.

CIVIL ACTION NO. 6:20-cv-1216-ADA

JURY TRIAL DEMANDED

PATENT CASE

**SCHEDULING ORDER**

The Court having considered the positions of the parties as to an appropriate schedule, it is ORDERED that the pre-trial schedule for this action is set as follows:

Deadline	Item
July 2, 2021	Plaintiff serves preliminary <sup>1</sup> 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.
August 27, 2021	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

<sup>1</sup> The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served, and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

	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, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
September 1, 2021	Parties exchange claim terms for construction.
September 15, 2021	Parties exchange proposed claim constructions.
September 22, 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. <sup>2</sup> 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.
September 29, 2021	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
October 6, 2021	Defendant files Opening claim construction brief, including any arguments that any claim terms are not indefinite.
October 25, 2021	Plaintiff files Responsive claim construction brief.
November 8, 2021	Defendant files Reply claim construction brief
November 19, 2021	Plaintiff files a Sur-Reply claim construction brief
November 23, 2021	Parties submit Joint Claim Construction Statement. <i>See</i> General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
November 24, 2021	Parties submit optional technical tutorials to the Court and technical adviser (if appointed). <sup>3</sup>
December 8, 2021	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.
December 9, 2021	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
January 19, 2022	Deadline to add parties.

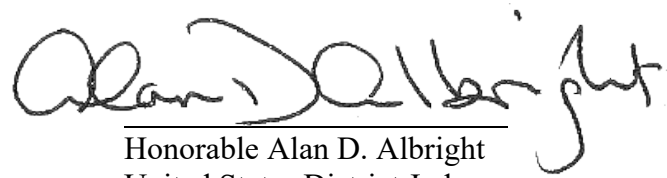
<sup>2</sup> Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

<sup>3</sup> The parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

February 2, 2022	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.
March 30, 2022	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.)
June 8, 2022	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.
July 6, 2022	Close of Fact Discovery.
July 13, 2022	Opening Expert Reports.
August 10, 2022	Rebuttal Expert Reports.
August 31, 2022	Close of Expert Discovery.
September 7, 2022	Deadline for the second of two meet and confers 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.
September 14, 2022	Dispositive motion deadline and Daubert motion deadline.  <i>See</i> General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
September 28, 2022	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
October 12, 2022	Serve objections to pretrial disclosures/rebuttal disclosures.
October 19, 2022	Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .
October 26, 2022	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i>
November 2, 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> .

	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
November 11, 2022	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
November 16, 2022	Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.
December 7, 2022	Jury Selection/Trial. The Court expects to set these dates at the conclusion of the <i>Markman</i> Hearing.

Entered this 15th day of July, 2021



Honorable Alan D. Albright  
United States District Judge