

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

SATCO PRODUCTS, INC.

Plaintiff,

v.

SIGNIFY NORTH AMERICA CORP. and
SIGNIFY NETHERLANDS B.V.

Defendants,

and

SIGNIFY NORTH AMERICA CORP. and
SIGNIFY HOLDING B.V.

Counterclaim-Plaintiffs,

v.

SATCO PRODUCTS, INC.

Counterclaim-Defendant.

Civil Action No. 6:21-cv-00146-ADA

JURY TRIAL DEMANDED

[PROPOSED] SCHEDULING ORDER

On June 30, 2021, the Court conducted a conference in the above entitled and numbered case. All parties appeared through counsel. As a result of such hearing, and pursuant to Rule 16, Federal Rules of Civil Procedure, the Court **ORDERS** that the following schedule will govern deadlines up to and including the trial of this matter:

| DATE | EVENT |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/25/2021 | Plaintiff serves preliminary infringement contentions ¹ 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. |
| 08/18/2021 | 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 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). |
| 09/02/2021 | Parties exchange claim terms for construction. |
| 09/13/2021 | Parties exchange proposed claim constructions. |
| 09/20/2021 | 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. ² 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. |
| 09/27/2021 | Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions. |
| 10/4/2021 | Parties each file an Opening claim construction brief for claim terms in patents they are accused of infringing, including any arguments that any claim terms are indefinite. |
| 10/14/2021 | Deadline for Motions for Inter-District Transfer |

¹ 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.

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

| | |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/25/2021 | Parties each file Responsive claim construction brief. |
| 11/8/2021 | Parties each file Reply claim construction brief. |
| 11/18/2021 | Parties each file Sur-Reply claim construction brief. |
| 11/22/2021 | Parties submit Joint Claim Construction Statement. See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed). |
| 11/29/2021 | Parties submit optional technical tutorials to the Court and technical adviser (if appointed). ³ |
| 12/09/2021 | Markman hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the Markman hearing approaches. |
| 12/10/2021 | Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a). |
| 01/20/2022 | Deadline to add parties. |
| 02/03/2022 | 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 seasonably amend if new information is identified after initial contentions. |
| 03/31/2022 | 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.) |
| 05/26/2022 | 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. |
| 06/24/2022 | Close of Fact Discovery |
| 07/14/2022 | Opening Expert Reports |
| 08/11/2022 | Rebuttal Expert Reports |
| 09/01/2022 | Close of Expert Discovery |

³ 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.

| | |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/08/2022 | 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. |
| 09/15/2022 | Dispositive motion deadline and Daubert motion deadline. See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed). |
| 09/29/2022 | Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations). |
| 10/13/2022 | Serve objections to pretrial disclosures/rebuttal disclosures. |
| 10/20/2022 | Serve objections to rebuttal disclosures and File Motions <i>in-limine</i> . |
| 10/27/2022 | 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> . |
| 11/03/2022 | 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 kmdaviscsr@yahoo.com Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> . |
| 11/14/2022 | File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in-limine</i> . |
| 11/17/2022 | Final Pretrial Conference. The Court expects to set this date at the conclusion of the Markman Hearing. |
| 12/08/2022 | Jury Selection/Trial. The Court expects to set this date at the conclusion of the Markman Hearing. |

Signed this ___ day of _____, 2021.

ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE

AGREED:

Dated: July 14, 2021

By: /s/ Janis E. Clements

Janis E. Clements
Texas Bar No. 04365500
GREENBERG TRAUIG, LLP
300 West 6th Street, Suite 2050
Austin, TX 78701
Telephone: (512) 320-7200
Facsimile: (512) 320-7210
Email: clements@gtlaw.com

Scott Bornstein (*pro hac vice*)
Joshua L. Raskin (*pro hac vice*)
Julie P. Bookbinder (*pro hac vice*)
Jeffrey R. Colin (*pro hac vice*)
GREENBERG TRAUIG, LLP
MetLife Building, 200 Park Avenue
New York, NY 10002
Telephone: (212) 801-9200
Facsimile: (212) 801-6400
Email: bornsteins@gtlaw.com
Email: raskinj@gtlaw.com
Email: bookbinderj@gtlaw.com
Email: colinj@gtlaw.com

Robert P. Lynn, Jr. (*pro hac vice*)
Katharine Smith Santos (*pro hac vice*)
LYNN GARTNER DUNNE, LLP
330 Old Country Road, Suite 103
Mineola, New York 11501
Telephone: (516) 742-6200
Email: rplynn@lgdllaw.com
Email: ksantos@lgdllaw.com

*Attorneys for Plaintiff Satco Products,
Inc.*

By: /s/ Brady Cox

Brady Cox (TX Bar No. 24074084)
ALSTON & BIRD LLP
Chase Tower
2200 Ross Avenue, Suite 2300
Dallas, Texas 75201
Telephone: 214.922.3443
Facsimile: 214.922.3843
Email: brady.cox@alston.com

Adam Swain (*pro hac vice*)
Tom Davison (*pro hac vice*)
ALSTON & BIRD LLP
950 F Street NW
Washington, DC 20004
Telephone: 202.239.3300
Facsimile: 202.239.3333
Email: adam.swain@alston.com
Email: tom.davison@alston.com

Natalie C. Clayton (*pro hac vice*)
ALSTON & BIRD LLP
90 Park Avenue, 15th Floor
New York, NY 10016-1387
Telephone: (212) 210-9400
Facsimile: (212) 210-9444
Email: natalie.clayton@alston.com

Deron R. Dacus (Texas Bar No. 00790553)
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite 430
Tyler, Texas 75701
903-705-1117 (phone)
903-581-2543 (fax) E-mail: ddacus@dacusfirm.com

*Attorneys for Defendants Signify North America
Corp. and Signify Netherlands B.V. and
Counterclaim-Plaintiffs Signify North America
Corp. and Signify Holding B.V.*