

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

Neo Wireless LLC,	§	
	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 6:21-cv-0024-
v.	§	ADA
	§	
Dell Technologies Inc. and Dell Inc.,	§	
	§	
Defendants.	§	JURY TRIAL DEMANDED
	§	
	§	
	§	

JOINT PROPOSED SCHEDULING ORDER

Pursuant to the Court’s Standing Order Governing Proceedings – Patent Case and Proposed Scheduling Order, the Case Management Conference in this case was deemed to have occurred on Friday, July 23, 2021. Pursuant to such the Standing Order, the parties conferred subsequent to the hearing date and submitted a Joint Proposed Scheduling Order. Thus, 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
July 16, 2021 (Friday)	Plaintiff serves preliminary ¹ 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

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.

	practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
August 6, 2021 (Friday)	The Parties shall submit an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of each Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
September 10, 2021 (Friday)	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).
September 23, 2021 (Thursday)	Parties exchange claim terms for construction.
October 7, 2021 (Thursday)	Parties exchange proposed claim constructions.
October 14, 2021 (Thursday)	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.
October 21, 2021 (Thursday)	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
October 28, 2021 (Thursday)	Defendant files Opening claim construction brief, including any arguments that any claim terms are not indefinite.
November 18, 2021 (Thursday)	Plaintiff files Responsive claim construction brief.
December 2, 2021 (Thursday)	Defendant files Reply claim construction brief.
December 16, 2021 (Thursday)	Plaintiff files a Sur-Reply claim construction brief.
December 21, 2021 (Tuesday)	Parties submit Joint Claim Construction Statement. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).

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

December 30, 2021 (Thursday)	Parties submit optional technical tutorials to the Court and technical adviser (if appointed). ³
January 13, 2022 (Thursday) or as set by the Court	Markman Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the Markman hearing approaches.
January 14, 2022 (Friday)	Discovery commences on all issues and deadline to serve Initial Disclosures per Rule 26(a).
February 24, 2022 (Thursday)	Deadline to add parties.
March 10, 2022 (Thursday)	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.
May 5, 2022 (Thursday)	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.)
July 14, 2022 (Thursday)	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.
August 11, 2022 (Thursday)	Fact Discovery Deadline. Fact discovery must be completed by this date. Any fact discovery requests must be propounded so that the responses are due by this date.
August 18, 2022 (Thursday)	Parties with burden of proof to designate Expert Witnesses and provide their expert witness reports, to include all information required by Rule 26(a)(2)(B).
September 15, 2022 (Thursday)	Parties shall designate Rebuttal Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness reports, to include all information required by Rule 26(a)(2)(B).
October 6, 2022 (Thursday)	Expert Discovery Deadline. Expert discovery must be completed by this date.
October 13, 2022 (Thursday)	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.
October 20, 2022 (Thursday)	Daubert Motion deadline.

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.

	Any objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, not later than 14 days of receipt of the written report of the expert's proposed testimony or not later than 14 days of the expert's deposition, if a deposition is taken, whichever is later. The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.
October 20, 2022 (Thursday)	Dispositive Motion deadline. The Court does not have a limit on the number of motions for summary judgment (MSJs); however, absent leave of Court, the cumulative page limit for Opening Briefs for all MSJs is 40 pages per side.
November 3, 2022 (Thursday)	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations). By this date the parties will also exchange draft Motions in Limine to determine which may be agreed.
November 17, 2022 (Thursday)	Serve objections to pretrial disclosures/rebuttal disclosures.
November 23, 2022 (Wednesday)	By this date the parties shall exchange any objections to rebuttal disclosures including the proposed jury charge, with supporting explanation and citation of controlling law. By this date the parties shall also submit to the Court their Motions in Limine.
December 1, 2022 (Thursday)	By this date the parties will submit to the Court their Pretrial Submissions (jury instructions, exhibit lists, witness lists, discovery and deposition designations) and the Joint Pre-Trial Order, including the identification of issues to be tried, identification of witnesses, trial schedule provisions, and all other pertinent information. By this date the parties will also submit to the Court their oppositions to Motions in Limine.
December 9, 2022 (Friday)	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 in limine.
December 15, 2022 (Thursday)	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in limine.
December 21, 2022 (Wednesday) or as Set by the Court	Final Pre-Trial Conference. The parties shall provide to the Court an agreed jury charge with supported objections of each party, and proposed questions for the jury, at the final Pre-Trial Conference.

January 17, 2023 (Tuesday) or as Set by the Court ⁴	Jury Selection/Trial. The Court expects to set these dates at the conclusion of the Markman Hearing.
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⁴ If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-Markman that are consistent with the Court's default deadlines in light of the actual trial date.

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