

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

FUTURE LINK SYSTEMS, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:21-cv-0263-ADA

JURY TRIAL DEMANDED

FUTURE LINK SYSTEMS, LLC,

Plaintiff,

v.

BROADCOM INC.; BROADCOM CORP.,

Defendants.

Case No. 6:21-cv-0264-ADA

JURY TRIAL DEMANDED

FUTURE LINK SYSTEMS, LLC,

Plaintiff,

v.

QUALCOMM INCORPORATED; QUALCOMM
TECHNOLOGIES, INC.,

Defendants.

Case No. 6:21-cv-0265-ADA

JURY TRIAL DEMANDED

FUTURE LINK SYSTEMS, LLC,

Plaintiff,

v.

REALTEK SEMICONDUCTOR
CORPORATION,

Defendant.

Case No. 6:21-cv-0363-ADA

JURY TRIAL DEMANDED

[PROPOSED] JOINT AGREED SCHEDULING ORDER

Default Deadline	Calculated Default Deadline	Proposed Deadline	Item
7 days before CMC	7/8/2021	7/8/2021	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>i.e.</i> 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.
07/15/2021			Case Management Conference Deemed to Occur (<i>see</i> June 16 Amended Standing Order Regarding Notice of Readiness for Patent Cases, stating “the Case Management Conference (‘CMC’) shall be deemed to occur fourteen (14) days after the filing date of the CRSR.”
2 weeks after CMC	7/29/2021	7/29/2021	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.
7 weeks after CMC	9/2/2021	9/16/21	Defendant(s) 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(s) contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant(s) contends are directed to ineligible subject matter under section 101. Defendant(s) shall also produce (1) all prior art referenced in the invalidity contentions,

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.

			and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
9 weeks after CMC	9/16/2021	9/30/21	Parties exchange claim terms for construction.
11 weeks after CMC	9/30/2021	10/12/21	Parties exchange proposed claim constructions.
12 weeks after CMC	10/7/2021	10/19/21	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.
13 weeks after CMC	10/14/2021	10/22/21	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
14 weeks after CMC	10/21/2021	10/28/21	Defendant(s) files Opening claim construction brief(s), ³ including any arguments that any

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

³ On July 13, 2021, for the '108 patent only, the Court gave Apple the option of either joining the *Markman* briefing and hearing schedule of the AMD case with a *Markman* hearing already set for October 13, 2021, or to have a separate *Markman* briefing and hearing following the schedule for the '680, '804, and '505 patents based on a presumed CMC date of July 15, 2021. The Court further clarified that the separate briefing for the '108 patent would be dictated by the one-patent term and page limitations, and the briefing for the '680, '804, and '505 patents would be dictated by the three-patent term and page limitations. The Court also added that "[i]f any terms the Court construes for the '108 patent during the first AMD *Markman* are raised for the Apple *Markman*, the Court will merely adopt its construction from the AMD case for those particular terms." On July 16, 2021, Apple informed the Court that it chose to have a separate *Markman* briefing and hearing for the '108 patent following the briefing and hearing schedule for the '680, '804, and '505 patents based on a presumed CMC date of July 15, 2021. In its response to Apple, on July 16, the Court reiterated that "[Apple] may still assert constructions [for the '108 patent] and brief any of the AMD terms [for the '108 patent] to preserve your argument for appeal. Of note, the Court will not hear oral argument on any of the AMD terms." The Court further indicated that briefing with respect to the '754 patent, with respect to Qualcomm, "will be a separate *Markman* and separate set of briefs dictated by the 1 patent term and page limitations." The Court further indicated that the briefing with respect to the '680, '804, and '505

			<p>claim terms are not indefinite.</p> <ol style="list-style-type: none"> 1. [APPLE ONLY] One brief to address the claims of the '108 patent dictated by the one-patent term and page limitations. 2. [QUALCOMM ONLY] One brief to address the claims of the '754 patent dictated by the one-patent term and page limitations. 3. [APPLE, QUALCOMM, BROADCOM, REALTEK] One consolidated brief to address the claims of the '680, '804, and '505 patents dictated by the three-patent term and page limitations.
17 weeks after CMC	11/11/2021* *Veteran's Day	11/17/2021	<p>Plaintiff files Responsive claim construction brief(s).</p> <ol style="list-style-type: none"> 1. [APPLE ONLY] One brief to address the claims of the '108 patent dictated by the one-patent term and page limitations. 2. [QUALCOMM ONLY] One brief to address the claims of the '754 patent dictated by the one-patent term and page limitations. 3. [APPLE, QUALCOMM, BROADCOM, REALTEK] One consolidated brief to address the claims of the '680, '804, and '505 patents dictated by the three-patent term and page limitations.
19 weeks after CMC	11/25/2021* *Thanksgiving	12/1/2021	<p>Defendant(s) file Reply claim construction brief(s).</p> <ol style="list-style-type: none"> 1. [APPLE ONLY] One brief to address the claims of the '108 patent dictated by the one-patent term and page limitations. 2. [QUALCOMM ONLY] One brief to address the claims of the '754 patent dictated by the one-patent term and page limitations. 3. [APPLE, QUALCOMM, BROADCOM, REALTEK] One consolidated brief to address the claims of the '680, '804, and '505 patents dictated by the three-patent term and page limitations.

patents are to be consolidated amongst Apple, Broadcom, Qualcomm, and Realtek. The Court stated: "the Court notes that the 3 patent term/page limitation category delineated in the Court's OGP is for groupings of 3-5 patents, so the page/term limitations should be adequate to address all of the terms at issue despite the fact that the '505 patent is only asserted against Apple."

21 weeks after CMC	12/9/2021	12/16/2021	<p>Plaintiff files Sur-Reply claim construction brief(s).</p> <ol style="list-style-type: none"> 1. [APPLE ONLY] One brief to address the claims of the '108 patent dictated by the one-patent term and page limitations. 2. [QUALCOMM ONLY] One brief to address the claims of the '754 patent dictated by the one-patent term and page limitations. 3. [APPLE, QUALCOMM, BROADCOM, REALTEK] One consolidated brief to address the claims of the '680, '804, and '505 patents dictated by the three-patent term and page limitations.
3 business days after submission of sur-reply	12/14/2021	12/21/2021	<p>Parties submit Joint Claim Construction Statements.</p> <ol style="list-style-type: none"> 1. [APPLE ONLY] One Joint Claim Construction Statement to address the claims of the '108 patent. 2. [QUALCOMM ONLY] One Joint Claim Construction Statement to address the claims of the '754 patent. 3. [APPLE, QUALCOMM, BROADCOM, REALTEK] One consolidated Joint Claim Construction Statement to address the claims of the '680, '804, and '505 patents. <p><i>See General Issues Note #10 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).</i></p>
22 weeks after CMC (but at least 10 days before <i>Markman</i> hearing)	12/16/2021	12/21/2021	<p>Parties submit optional technical tutorials to the Court and technical adviser (if appointed).⁴</p> <ol style="list-style-type: none"> 1. [APPLE ONLY] One technical tutorial to address the claims of the '108 patent. 2. [QUALCOMM ONLY] One technical tutorial to address the claims of the '754 patent. 3. [APPLE, QUALCOMM, BROADCOM, REALTEK] One consolidated technical tutorial to address the claims of the '680, '804, and '505 patents.

⁴ 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.

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