

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

Vervain, LLC <p style="text-align: center;"><i>Plaintiff,</i></p> v. Micron Technology, Inc.; Micron Semiconductor Products, Inc.; and Micron Technology Texas, LLC <p style="text-align: center;"><i>Defendants.</i></p>	Civil Action No. 6:21-cv-487-ADA
Vervain, LLC <p style="text-align: center;"><i>Plaintiff,</i></p> v. Western Digital Corporation; Western Digital Technologies Inc.; and HGST, Inc. <p style="text-align: center;"><i>Defendants.</i></p>	Civil Action No. 6:21-cv-488-ADA

**AGREED SCHEDULING ORDER**

Pursuant to the Court’s Amended Order Regarding Notice of Readiness for Patent Cases, Version 2.2, the Case Management Conference occurred on August 6, 2021. Pursuant to the Court’s Order Governing Proceedings, Version 3.4, the above-identified parties have agreed to the following schedule. Therefore, pursuant to Federal Rule of Civil Procedure 16, the Court **ORDERS** that the following schedule will govern the deadlines in the above-captioned cases.<sup>1</sup>

Item	Deadline
Plaintiff serves preliminary infringement contentions and initial production	8/6/2021

<sup>1</sup> The parties propose dates for the Markman Hearing, Final Pretrial Conference, and Jury Selection/Trial subject to the Court’s availability.

Item	Deadline
Defendants serve preliminary invalidity contentions and initial production	10/6/2021
Parties exchange claim terms for construction	10/13/2021
Parties exchange proposed claim construction	10/22/2021
Parties disclose extrinsic evidence	10/29/2021
Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions	11/5/2021
Defendant files Opening claim construction brief, including any arguments that any claim terms are not indefinite	11/12/2021
Plaintiff files Responsive claim construction brief	12/3/2021
Defendant files Reply claim construction brief	12/17/2021
Plaintiff files a Sur-Reply claim construction brief	1/3/2022
Parties submit Joint Claim Construction Statement	1/6/2022
Technology tutorial due	1/10/2022
<i>Markman</i> hearing initially scheduled	1/20/2022
Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a)	1/21/2022
Deadline to add parties	2/25/2022
Deadline to serve Final Infringement and Invalidity Contentions	3/11/2022
Deadline to amend pleadings	5/6/2022
Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue	7/15/2022
Close of Fact Discovery	8/12/2022
Opening Expert Reports	8/19/2022
Rebuttal Expert Reports	9/16/2022
Close of Expert Discovery	10/7/2022

Item	Deadline
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	10/14/2022
Dispositive motion deadline and <i>Daubert</i> motion deadline	10/21/2022
Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations)	11/4/2022
Serve objections to pretrial disclosures/rebuttal disclosures	11/18/2022
Serve objections to rebuttal disclosures and File Motions in limine	11/29/2022
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions in limine	12/6/2022
File Notice of Request for Daily Transcript or Real Time Reporting; Deadline to meet and confer regarding remaining objections and disputes on motions in limine	12/13/2022
File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in limine	1/3/2023
Final Pretrial Conference	1/6/2023
Jury Selection/First Trial	1/23/2023

SIGNED this day of September 16, 2021.

  
 ALAN D ALBRIGHT  
 UNITED STATES DISTRICT JUDGE