

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

MemoryWeb, LLC,

Plaintiff,

v.

Apple Inc.,

Defendant,

Case No. 6:21-cv-00531-ADA

JURY TRIAL DEMANDED

MemoryWeb, LLC,

Plaintiff

v.

Samsung Electronics Co., Ltd. (a Korean
Company) and Samsung Electronics America,
Inc.,

Defendants

Case No. 21-cv-411-ADA

JURY TRIAL DEMANDED

JOINT MOTION FOR ENTRY OF AGREED SCHEDULING ORDER

Pursuant to the Court's June 24, 2021 Order Governing Proceedings – Patent Case, the Court's June 16, 2021 Amended Standing Order Regarding Notice of Readiness for Patent Cases, and the parties' Case Readiness Status Reports, Plaintiff MemoryWeb, LLC and Defendants Apple Inc.; Samsung Electronics Co., Ltd.; and Samsung Electronics America, Inc. hereby move that the Court enter the agreed Scheduling Order, attached as Exhibit A, in each of the above-captioned cases.

Dated: October 1, 2021

Respectfully submitted,

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/s/ Daniel J. Schwartz

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[PROPOSED] AGREED SCHEDULING ORDER

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Case Readiness Status Report, the Court ORDERS that the following schedule will govern deadlines up to and including trial in the above-referenced cases. For post-*Markman* dates, the parties will file an amended proposed scheduling order once the Court sets a *Markman* hearing date.

Deadline	Item
Completed	Plaintiff to identify claims asserted.

Completed	Plaintiff serves preliminary 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.
October 1, 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.
December 3, 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).
December 17, 2021	Parties exchange claim terms for construction.
January 7, 2021	Parties exchange proposed claim constructions.
January 14, 2022	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. 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.
January 21, 2022	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.

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