

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

**TRAXCELL TECHNOLOGIES, LLC,**

**Plaintiff,**

**v.**

**APPLE INC.,**

**Defendant.**

**Case No. 6:21-cv-00074-ADA**

**JURY TRIAL DEMANDED**

**AGREED SCHEDULING ORDER**

Plaintiff, Traxcell Technologies, LLC (“Traxcell”) and Apple, Inc. (“Apple”) or (“Defendant”) hereby provide the following proposed Scheduling Order in accordance with the Court’s June 24, 2021 Standng Order, to govern the proceedings in this matter:

<b>Deadline</b>	<b>Item</b>
June 23, 2021	Plaintiff serves <b>preliminary infringement contentions</b> 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.
July 14, 2021	The Parties shall submit an agreed <b>Scheduling Order</b> . 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.

August 11, 2021	Plaintiff will limit the number of asserted claims to no more than eight (10) per asserted patent.
Wednesday, September 8, 2021	Defendant serves <b>preliminary invalidity contentions</b> 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, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the two years preceding the filing of the Complaint, unless the parties agree to some other timeframe.
Wednesday, September 22, 2021	Parties <b>exchange claim terms for construction.</b>
Wednesday, October 6, 2021	Parties <b>exchange proposed claim constructions.</b>
Wednesday, October 13, 2021	Parties <b>disclose extrinsic evidence.</b> 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.
Tuesday, October 20, 2021	Deadline to <b>meet and confer</b> to narrow terms in dispute and exchange revised list of <b>terms/constructions.</b>
Wednesday, October 27, 2021	Defendant files <b>Opening claim construction brief</b> , including any arguments that any claim terms are not indefinite. <sup>1</sup>

<sup>1</sup> Given the incomplete overlap of asserted patents among the related cases and pursuant to the OGP Version 3.4 at 4, Defendants in the related cases anticipate the need for reasonable adjustments to the page limits on claim construction briefing. To wit, Ericsson and Verizon are accused of infringing three patents that are not asserted against Apple and Google. Those patents claim technology that is different from the patents asserted against Apple and

Wednesday, November 17, 2021	Plaintiff files <b>Responsive claim construction brief</b> .
Wednesday, December 8, 2021	Defendant files <b>Reply claim construction brief</b> .
Wednesday, December 29, 2021	Plaintiff files a <b>Sur-Reply claim construction brief</b> .
Wednesday, January 12, 2022	Parties <b>submit</b> optional <b>technical tutorials</b> to the Court and technical adviser (if appointed).
Monday, January 17, 2022	Parties submit <b>Joint Claim Construction Statement</b> .
Wednesday, January 19, 2022	<b>Markman Hearing</b> at [9:00 a.m. or 1:30 p.m.]
Thursday, January 20, 2022	<b>Fact Discovery opens</b> ; deadline to serve <b>Initial Disclosures</b> per Rule 26(a).
Wednesday, March 2, 2022	Deadline to <b>add parties</b> .
Wednesday, March 16, 2022	Deadline to serve <b>Final Infringement and Invalidity Contentions</b> . 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.
Wednesday, May 11, 2022	Deadline to <b>amend pleadings</b> . A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
Wednesday, July 20, 2022	Deadline for the <b>first of two meet and confers</b> to discuss significantly <b>narrowing the number of claims asserted and prior art references at issue</b> . 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.
Wednesday, August 17, 2022	<b>Close of Fact Discovery</b> .
Wednesday, August 24, 2022	<b>Opening Expert Reports</b> .
Wednesday, September 21, 2022	<b>Rebuttal Expert Reports</b> .
Wednesday, October 12, 2022	<b>Close of Expert Discovery</b> .
Wednesday, October 19, 2022	Deadline for the <b>second of two meet and confer</b> to discuss <b>narrowing the number of claims asserted</b>

Google. Once Plaintiff narrows the claims at issue and the parties exchange proposed constructions, the parties will work together to present a reasonable proposal to the Court to facilitate coordinated briefing among the related cases.

	<b>and prior art references at issue to triable limits.</b> 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.
Wednesday, October 26, 2022	<b>Dispositive motion</b> deadline and <b>Daubert</b> motion deadline.
Wednesday, November 9, 2022	Serve <b>Pretrial Disclosures</b> (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
Wednesday, November 23, 2022	Serve <b>objections to pretrial disclosures/rebuttal disclosures.</b>
Wednesday, November 30, 2022	Serve <b>objections to rebuttal disclosures and File Motions in limine.</b>
Wednesday, December 7, 2022	<b>File Joint Pretrial Order and Pretrial Submissions</b> (jury instructions, exhibits lists, witness lists, discovery and deposition designations); <b>file oppositions to motions in limine</b>
Wednesday, December 14, 2022	File <b>Notice of Request for Daily Transcript or Real Time Reporting.</b> 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 <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a> . Deadline to <b>meet and confer</b> regarding remaining objections and disputes on <b>motion in limine.</b>
Friday, December 23, 2022	File joint notice identifying remaining <b>objections to pretrial disclosures and disputes on motions in limine.</b>
Wednesday, December 28, 2022	<b>Final Pretrial Conference.</b> The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.
Wednesday, January 18, 2023	<b>Jury Selection/Trial.</b> The Court expects to set these dates at the conclusion of the <i>Markman</i> Hearing.

Respectfully Submitted

**Ramey & Schwaller, LLP**

/s/William P. Ramey  
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*Attorneys for Traxcell Technologies, LLC*

**CERTIFICATE OF CONFERENCE**

I hereby confirm that I conferred with counsel from Apple, Verizon and Google, today, July 14, 2021, on this Proposed docket control order and all parties are in agreement.

/s/ William P. Ramey, III  
William P. Ramey, III

**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that all counsel of record who have appeared in this case are being served on this day of July 14, 2021, with a copy of the foregoing via e-mail.

/s/ William P. Ramey, III  
William P. Ramey, III