

SCHEDULING ORDER

Event	Deadline
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, (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.	Thursday, December 31, 2020
Plaintiff shall serve a Preliminary Election of Asserted Claims, which shall assert no more than a total of 50 claims.	Friday, January 22, 2021
Parties exchange claim terms for construction.	Friday, February 5, 2021
Defendant shall serve a Preliminary Election of Asserted Prior Art, which shall assert no more than a total of 60 references.	Friday, February 12, 2021
Parties exchange proposed claim constructions.	Friday, February 19, 2021
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 also provide a summary of the witness's expected testimony including the opinions to be expressed and a general description of	Friday, March 5, 2021

expert testimony in a good faith, informative fashion may result in the exclusion of the proffered 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.	
Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.	Friday, March 12, 2021
Close of Venue Discovery.	Friday, March 12, 2021
Motion to Dismiss Response brief due.	Friday, March 26, 2021
Plaintiff files Opening claim construction brief, including any arguments that any claim terms are indefinite.	Friday, March 26, 2021
Motion to Dismiss Reply brief due.	Friday, April 9, 2021
Defendant files Responsive claim construction brief.	Friday, April 16, 2021
Plaintiff files Reply claim construction brief.	Friday, April 30, 2021
Defendant files a Sur-Reply claim construction brief.	Friday, May 14, 2021
Parties submit Joint Claim Construction Statement. In addition to filing, the parties shall jointly submit, via USB drive, Dropbox (not another cloud storage), or email to the law clerk, pdf versions of all as-filed briefing and exhibits. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.	Wednesday, May 19, 2021
Parties submit optional technical tutorials to the Court and technical advisor (if appointed).	Friday, May 21, 2021
<i>Markman</i> Hearing at 9:00 a.m.	Friday, May 28, 2021
Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).	Tuesday, June 1, 2021
Deadline to add parties.	Friday, July 9, 2021
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.	Friday, July 23, 2021

Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims.	Friday, September 17, 2021
Plaintiff shall serve a Final Election of Asserted Claims, which shall identify no more than five asserted claims per patent from among the ten previously identified claims and no more than a total of 16 claims.	Wednesday, December 15, 2021
Close of Fact Discovery.	Friday, January 7, 2022
Defendant shall serve a Final Election of Asserted Prior Art, which shall identify no more than six asserted prior art references per patent from among the prior art references previously identified for that particular patent and no more than a total of 20 references.	Friday, January 14, 2022
Opening Expert Reports.	Friday, January 14, 2022
Rebuttal Expert Reports.	Friday, February 11, 2022
Close of Expert Discovery.	Friday, March 4, 2022
Deadline to meet and confer 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.	Friday, March 11, 2022
Dispositive motion deadline and <i>Daubert</i> motion deadline.	Friday, March 18, 2022
Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).	Friday, April 1, 2022
Serve objections to pretrial disclosures/rebuttal disclosures.	Friday, April 17, 2022
Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .	Friday, April 22, 2022
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .	Friday, April 29, 2022
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	Friday, May 6, 2022

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 <i>in limine</i> .	
File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .	Tuesday, May 17, 2022
Final Pretrial Conference.	Friday, May 20, 2022
Jury Selection/Trial.	Monday, June 13, 2022

ORDERED this 10th day of December, 2020.



Alan D Albright
United States District Judge