

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

MAXELL, LTD.,

Plaintiff,

v.

AMPEREX TECHNOLOGY LIMITED,

Defendant.

CIVIL ACTION NO. 6:21-cv-347-ADA

JURY TRIAL DEMANDED

AMENDED SCHEDULING ORDER

| Original Deadline | Amended Deadline | Event |
|--------------------|---|---|
| September 10, 2021 | As soon as Defendant is able to do so in compliance with China's Data Security Law. | Defendant shall produce technical documents, including software where applicable, sufficient to show the operation of the accused product(s). |
| October 15, 2021 | November 5, 2021 | Plaintiff files response to Defendant's Motion to Dismiss/Transfer/Stay |
| September 24, 2021 | November 12, 2021 | Parties exchange claim terms for construction. |
| October 29, 2021 | November 19, 2021 | Defendant files reply in support of its Motion to Dismiss/Transfer/Stay |
| October 8, 2021 | November 30, 2021 | Parties exchange proposed claim constructions. |
| October 15, 2021 | December 7, 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 identify the scope of the topics for the witness's expected testimony. ¹ 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. |

¹ Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

| Original Deadline | Amended Deadline | Event |
|-------------------|-------------------|--|
| October 22, 2021 | December 13, 2021 | Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions. |
| October 29, 2021 | December 17, 2021 | Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite. |
| November 19, 2021 | January 3, 2022 | Plaintiff files Responsive claim construction brief. |
| December 10, 2021 | January 18, 2022 | Defendant files Reply claim construction brief. |
| January 3, 2022 | January 31, 2022 | Plaintiff files a Sur-Reply claim construction brief. |
| January 6, 2022 | February 3, 2022 | Parties submit Joint Claim Construction Statement. <i>See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).</i> |
| January 7, 2022 | February 4, 2022 | Parties submit optional technical tutorials to the Court and technical adviser (if appointed). ² |
| January 18, 2022 | February 14, 2022 | <i>Markman</i> Hearing at 9:00 a.m. |
| January 19, 2022 | February 15, 2022 | Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a). |
| March 1, 2022 | March 28, 2022 | Deadline to add parties. |
| March 15, 2022 | April 11, 2022 | 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. |
| May 10, 2022 | June 6, 2022 | Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.) |
| July 19, 2022 | August 8, 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. 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. |

² 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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|--------------------|-------------------|---|
| August 16, 2022 | September 2, 2022 | Close of Fact Discovery. |
| August 23, 2022 | September 9, 2022 | Opening Expert Reports. |
| September 20, 2022 | October 7, 2022 | Rebuttal Expert Reports. |
| October 11, 2022 | October 21, 2022 | Close of Expert Discovery. |
| October 18, 2022 | October 28, 2022 | 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. 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. |
| October 25, 2022 | November 4, 2022 | Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed). |
| November 8, 2022 | November 18, 2022 | Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations). |
| November 29, 2022 | December 2, 2022 | Serve objections to pretrial disclosures/rebuttal disclosures. |
| | December 13, 2022 | Parties email the Court's law clerk to confirm pretrial and trial dates. |
| December 13, 2022 | December 16, 2022 | Serve objections to rebuttal disclosures and File Motions <i>in limine</i> . |
| December 20, 2022 | December 23, 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> . |

| Original Deadline | Amended Deadline | Event |
|-------------------|------------------|--|
| January 3, 2023 | January 3, 2023 | <p>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 request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com.</p> <p>Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i>.</p> |
| January 12, 2023 | January 12, 2023 | File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> . |
| January 17, 2023 | January 17, 2023 | Final Pretrial Conference. |
| February 7, 2023 | February 7, 2023 | Jury Selection/Trial. |

Signed this 8th day of November, 2021



HONORABLE ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE