

**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. <sup>1</sup> 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.

<sup>1</sup> 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). <sup>2</sup>
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.

<sup>2</sup> 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.

Original Deadline	Amended Deadline	Event
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 <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a>.</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