

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

MemoryWeb, LLC, Plaintiff, v. Apple Inc., Defendant,
MemoryWeb, LLC, Plaintiff v. Samsung Electronics Co., Ltd. (a Korean Company) and Samsung Electronics America, Inc., Defendants

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

JURY TRIAL DEMANDED

Case No. 21-cv-411-ADA

JURY TRIAL DEMANDED

AGREED SCHEDULING ORDER

Having considered the parties Joint Motion to Modify the Agreed Schedule, the Court ORDERS that the following schedule will govern deadlines up to and including trial in the above-captioned 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.

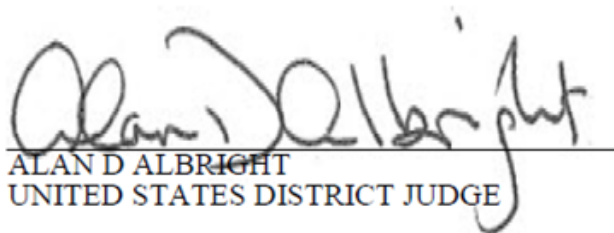
<p>Completed as to patents asserted in original Complaints</p> <p>Subject to the Court’s granting of Plaintiff’s Unopposed Motion for Leave to File Amended Complaint, Plaintiff will file the Amended Complaint within one day of any such order granting leave, and serve its supplemental infringement contentions as to U.S. Patent No. 11,163,823 on Samsung within one day of filing the Amended Complaint, where the supplemental infringement contentions Plaintiff serves will be identical to those sent to Samsung on 11/10/2021, as agreed to by the Parties.</p>	<p>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.</p>
<p>Completed</p>	<p>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.</p>
<p>January 31, 2022</p>	<p>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).</p>
<p>February 15, 2022</p>	<p>Parties exchange claim terms for construction.</p>
<p>March 8, 2022</p>	<p>Parties exchange proposed claim constructions.</p>
<p>March 15, 2022</p>	<p>Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of</p>

	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.
March 21, 2022	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
March 28, 2022	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
April 18, 2022	Plaintiff files Responsive claim construction brief.
May 2, 2022	Defendant files Reply claim construction brief.
May 16, 2022	Plaintiff files a Sur-Reply claim construction brief
May 20, 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>
May 24, 2022	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).
June 3, 2022 or as soon thereafter as practical	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches
June 6, 2022 (or 1 business day after <i>Markman</i> hearing, whichever is later)	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
July 11, 2022	Deadline to add parties.
July 26, 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.

September 19, 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.)
November 29, 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.
December 16, 2022	Close of Fact Discovery.
January 9, 2023	Opening Expert Reports.
February 13, 2023	Rebuttal Expert Reports.
March 20, 2023	Close of Expert Discovery.
March 22, 2023	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.
April 5, 2023	Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
April 19, 2023	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
May 3, 2023	Serve objections to pretrial disclosures/rebuttal disclosures.
May 10, 2023	Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .
May 17, 2023	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> .

May 24, 2023	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 Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
3 business days before Final Pretrial Conference.	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
May 31, 2023 (or as soon as practicable thereafter)	Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.
June 30, 2023 (or as soon as practicable thereafter)	Samsung Jury Selection/Trial. The Court expects to set these dates at the conclusion of the <i>Markman</i> Hearing.
August 7, 2023	Apple Jury Selection/Trial. The Court expects to set these dates at the conclusion of the <i>Markman</i> Hearing.

SIGNED this 23rd day of November, 2021.


 ALAN D ALBRIGHT
 UNITED STATES DISTRICT JUDGE