

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

INGENIOSHARE, LLC,

Plaintiff,

v.

EPIC GAMES, INC.,

Defendant.

CIVIL ACTION No. 6:21-cv-00663

PROPOSED AGREED SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court ORDERS that the following schedule will govern deadlines up to and including the trial of this matter:

Date	Item
September 16, 2021	Plaintiff serves preliminary infringement ¹ 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.
September 23, 2021	Case Management Conference deemed to occur.
October 7, 2021	Parties submit an agreed Scheduling Order.
November 11, 2021	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

¹ The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served, and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

Date	Item
	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).
December 2, 2021	Parties exchange claim terms for construction.
December 2, 2021	Close of venue discovery.
December 16, 2021	Parties exchange proposed claim constructions.
December 16, 2021	Plaintiff files responses to motion to dismiss for improper venue and motion to transfer venue.
December 23, 2021	Parties disclose extrinsic evidence, including the identity of any expert witness they may rely upon in their opening brief 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. ² 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.
January 5, 2022	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
January 6, 2022	Defendant files replies in support of motion to dismiss for improper venue and motion to transfer venue.
January 10, 2022	Defendant files opening claim construction brief.
January 31, 2022	Plaintiff files responsive claim construction brief.
February 14, 2022	Defendant files reply claim construction brief.
February 28, 2022	Plaintiff files sur-reply claim construction brief.
March 3, 2022	Parties submit Joint Claim Construction Statement.
March 7, 2022	Parties submit optional technical tutorials to the Court and technical advisor (if appointed). ³

² Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

³ 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.

Date	Item
March 17, 2022	<i>Markman</i> hearing at 9:00 a.m.
March 18, 2022	Fact discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
April 28, 2022	Deadline to add parties.
May 12, 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.
July 7, 2022	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims.
September 1, 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.
September 8, 2022	Close of Fact Discovery.
September 29, 2022	Opening Expert Reports.
October 20, 2022	Rebuttal Expert Reports.
November 17, 2022	Close of Expert Discovery.
November 23, 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.
December 1, 2022	Parties shall file a Joint Report regarding the results of the meet and confer.
December 22, 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).

Date	Item
January 12, 2023	Serve Pretrial Disclosures (jury instructions, exhibit lists, witness lists, discovery and deposition designations).
January 19, 2023	Parties shall file responses to dispositive motions and <i>Daubert</i> motions.
January 26, 2023	Serve objections to pretrial disclosures/rebuttal disclosures.
February 2, 2023	Parties shall file replies in support of dispositive motions and <i>Daubert</i> motions. Serve objections to rebuttal disclosures and file motions <i>in limine</i> .
February 16, 2023	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibit lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
February 23, 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> .
March 6, 2023	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
March 9, 2023	Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.
April 3, 2023	Estimated trial date (actual jury selection/trial date to be set at the conclusion of the <i>Markman</i> hearing)

ORDERED this ____ day of October, 2021.

THE HONORABLE ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE