

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

**BILLJCO, LLC**

Plaintiff,

v.

**APPLE INC.,**

Defendant.

Civil Action No. 6:21-cv-00528-ADA

**AGREED SCHEDULING ORDER**

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Court's June 24, 2021 Standing Order Governing Proceedings-Patent Cases, the Court ORDERS that the following schedule will govern deadlines in this matter:

DEADLINE	ITEM
August 16, 2021	Plaintiff serves preliminary <sup>8</sup> 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>i.e.</i> 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.
August 23, 2021	Case Management Conference
October 19, 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 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).
October 26, 2021	Parties exchange claim terms for construction.

November 9, 2021	Parties exchange proposed claim constructions.
November 16, 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>9</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.
November 23, 2021	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
December 2, 2021	Defendant files Opening claim construction brief, including any arguments that any claim terms are not indefinite.
December 30, 2021	Plaintiff files Responsive claim construction brief.
January 13, 2022	Defendant files Reply claim construction brief.
January 27, 2022	Plaintiff files a Sur-Reply claim construction brief.
February 3, 2022	Parties submit Joint Claim Construction Statement.  <i>See</i> General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
February 1, 2022	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).
February 10, 2022	<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.
February 15, 2022	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
March 25, 2022	Deadline to add parties.
April 7, 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.

June 2, 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.)
August 11, 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 15, 2022	Opening Expert Reports.
October 13, 2022	Rebuttal Expert Reports.
November 3, 2022	Close of Expert Discovery.
November 10, 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.
November 17, 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).
December 1, 2022	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
December 15, 2022	Serve objections to pretrial disclosures/rebuttal disclosures.
December 22, 2022	Serve objections to rebuttal disclosures and <b>File</b> Motions <i>in limine</i> .
January 9, 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>
January 11, 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 <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a>

	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
January 17, 2023	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
January 20, 2023 (or as soon as practicable)	Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.
February 13, 2023 (or as soon as practicable)	Jury Selection/Trial. The Court expects to set these dates at the conclusion of the <i>Markman</i> Hearing.

ORDERED this 11th day of September, 2021.

  
 ALAN D ALBRIGHT  
 UNITED STATES DISTRICT JUDGE