

Nguyen

From: Peter Tong <Peter\_Tong@txwd.uscourts.gov>  
 Sent: Thursday, February 10, 2022 5:44 PM  
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 Subject: CPC v. Apple; CPC v. HMD - Markman Follow Up Schedule

[This email originated outside of F&R.]

counsel for CPC, Apple, and HMD:

The Court will construe all disputed means plus function terms in their cases if the parties cannot agree on their construction.

The parties in each case are **ordered** to meet and confer regarding expediting the schedule for narrowing the claims and prior art and scheduling a second Markman hearing if needed. The parties are further **ordered** to file a joint motion for a modified scheduling order within one week. Of course, if the parties do not dispute any other means plus function claims, then these orders do not apply.

The Court typically gives 10 hours per side at trial. The Court strongly encourages the parties to drop redundant claims and prior art. To discourage the parties from needlessly preserving cumulative claims or prior art, the Court will require each party's expert to walk through every remaining asserted claim or prior art reference at trial.

The Court suggests the following default schedule:

Date	Event
February 28, 2022	Deadline for the first of three meet and confers to discuss significantly narrowing the number of claims and asserted prior art references at issue.
Two weeks after Final Pretrial Conference Deadline	Deadline for the second of three meet and confers to discuss significantly narrowing the number of claims and asserted prior art references at issue.

July 13, 2022	Final deadline to narrow the number of claims and asserted prior art references at issue. Any preserved claim or prior art must be asserted at trial.
July 20, 2022	Parties to file updated status report and email the clerks if remaining means plus function claims require construction.
July 20, 2022	Markman briefs due on any remaining disputed means plus function terms. Page limit of 1 page per disputed term. Parties to email the clerks to confirm Markman date. One round of briefing only.
August 1, 2022	Markman hearing at 9 am.



**Peter Tong**  
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