

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

LUMINATI NETWORKS LTD.

Plaintiff,

v.

TEFINCOM S.A. D/B/A NORDVPN

Defendant.

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Case No. 2:19-CV-00414-JRG

**DOCKET CONTROL ORDER**

In accordance with the scheduling conference held in this case, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

Date Provided by the Court	Amended Date	Event
January 3, 2022		*Jury Selection – 9:00 a.m. in <b>Marshall, Texas</b>
December 6, 2021		* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date. <sup>1</sup>
November 29, 2021		*Pretrial Conference – 9:00 a.m. in <b>Marshall, Texas</b> before Judge Rodney Gilstrap
November 22, 2021		*Notify Court of Agreements Reached During Meet and Confer  The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.

<sup>1</sup> The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

Date Provided by the Court	Amended Date	Event
November 22, 2021		*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
November 15, 2021		*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, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.
November 8, 2021		File Motions <i>in Limine</i>  The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
November 8, 2021		Serve Objections to Rebuttal Pretrial Disclosures
November 1, 2021		Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
October 18, 2021		Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof

Date Provided by the Court	Amended Date	Event
October 12, 2021		*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. <sup>2</sup> Motions for Summary Judgment shall comply with Local Rule CV-56.
September 27, 2021		*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)  No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
September 27, 2021		*File Dispositive Motions  No dispositive motion may be filed after this date without leave of the Court.  Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
September 20, 2021		Deadline to Complete Expert Discovery
September 7, 2021		Serve Disclosures for Rebuttal Expert Witnesses
August 16, 2021	August 9, 2021	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
August 16, 2021		Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof

<sup>2</sup> The parties are directed to Local Rule CV-7(d), which provides in part that “[a] party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.” If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

Date Provided by the Court	Amended Date	Event
August 18, 2021		Comply with P.R. 3-7 (Opinion of Counsel Defenses)
July 28, 2021		*Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
July 14, 2021		*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
July 7, 2021		*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
June 30, 2021		Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
June 16, 2021		Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)  Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
June 16, 2021		Deadline to Substantially Complete Document Production and Exchange Privilege Logs  Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
	June 16, 2021	Deadline to Substantially Complete E-Discovery
June 2, 2021		Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
May 26, 2021		File Response to Amended Pleadings
May 12, 2021		*File Amended Pleadings  It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.

Date Provided by the Court	Amended Date	Event
May 5, 2021		Comply with P.R. 4-3 (Joint Claim Construction Statement)
	April 19, 2021	Deadline to Serve E-Discovery Requests
April 14, 2021		Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
March 24, 2021		Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
March 3, 2021		Comply with Standing Order Regarding Subject-Matter Eligibility Contentions <sup>3</sup>
March 3, 2021		Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
February 10, 2021		<p>*File Proposed Protective Order and Comply with Paragraphs 1 &amp; 3 of the Discovery Order (Initial and Additional Disclosures)</p> <p>The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.</p>
February 3, 2021		<p>*File Proposed Docket Control Order and Proposed Discovery Order</p> <p>The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.</p>

<sup>3</sup> <http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf> [https://perma.cc/RQN2-YUSP]

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