

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

JAWBONE INNOVATIONS, LLC,

Plaintiff,

v.

AMAZON.COM, INC. and AMAZON.COM
SERVICES, INC.,

Defendants.

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Case No. 2:21-cv-00435-JRG

JURY TRIAL DEMANDED

DOCKET CONTROL ORDER

In accordance with the scheduling conference held in this case on March 16, 2022, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Current Date	Amended Date	Event
July 10, 2023		*Jury Selection – 9:00 a.m. in Marshall, Texas
June 12, 2023		* 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. ¹
June 5, 2023		*Pretrial Conference – 1:30 p.m. in Marshall, Texas before Judge Rodney Gilstrap

¹ The Parties are referred to the Court’s Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

Current Date	Amended Date	Event
May 30, 2023		<p>*Notify Court of Agreements Reached During Meet and Confer</p> <p>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.</p>
May 30, 2023		*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
May 22, 2023		<p>*File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>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, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.</p>
May 15, 2023		<p>File Motions <i>in Limine</i></p> <p>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.</p>
May 15, 2023		Serve Objections to Rebuttal Pretrial Disclosures
May 8, 2023		Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
April 24, 2023		Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof

Current Date	Amended Date	Event
April 17, 2023		*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. ² Motions for Summary Judgment shall comply with Local Rule CV-56.
April 3, 2023		*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.
April 3, 2023		*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>
March 27, 2023		Deadline to Complete Expert Discovery
March 13, 2023		Serve Disclosures for Rebuttal Expert Witnesses
February 21, 2023	February 14, 2023	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
February 21, 2023		Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
February 8, 2023		Comply with P.R. 3-7 (Opinion of Counsel Defenses)

² 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.

Current Date	Amended Date	Event
January 18, 2023		*Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
January 4, 2023		*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
December 28, 2022		*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
December 21, 2022		Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
December 7, 2022		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).
December 7, 2022		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.
November 23, 2022		Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
November 16, 2022		File Response to Amended Pleadings
November 2, 2022		*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.
October 26, 2022		Comply with P.R. 4-3 (Joint Claim Construction Statement)
October 5, 2022		Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)

Current Date	Amended Date	Event
September 14, 2022		Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
May 25, 2022 ³	June 23, 2022	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions ⁴
May 25, 2022 ⁵	June 23, 2022	Comply with P.R. 3-3 & 3-4 ⁶ (Invalidity Contentions)
April 6, 2022		*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) 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.
March 30, 2022		*File Proposed Docket Control Order and Proposed Discovery Order 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.
March 23, 2022		Join Additional Parties
March 16, 2022 ⁷		Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

³ This date was previously set by the Court. (Dkt. No. 26.)

⁴ <http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf> [https://perma.cc/RQN2-YU5P]

⁵ This date was previously set by the Court. (Dkt. No. 26.)

⁶ Defendants will make their production under P.R. 3-4(a) on May 25, 2022.

⁷ This date was previously set by the Court. (Dkt. No. 26.)

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