UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

CloudofChange, LLC, Plaintiff, v. Lightspeed POS Inc., Defendant.	Case No. 6:21-CV-01102-ADA **JURY TRIAL DEMANDED**

FIRST AMENDED SCHEDULING ORDER

Dates	Event
	Case Readiness Status Report ("CRSR") filed
March 30, 2022	Plaintiff shall serve preliminary[1] 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 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.
	Case Management Conference deemed to occur
	The Parties shall submit an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of each Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other joint filings.

[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.

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Dates	Event
	Defendant shall serve 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, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
	Parties exchange claim terms for construction.
June 8, 2022	Defendant shall serve preliminary invalidity contentions for patents in First Amended Complaint 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, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
June 20, 2022	Parties exchange claim terms for construction (in connection with Plaintiff's First Amended Complaint and Amended Preliminary Infringement Contentions).
July 1, 2022	Parties exchange proposed claim constructions.
July 6, 2022	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.[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.
July 13, 2022	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
July 20, 2022	Defendant files Opening claim construction brief with respect to claims asserted against them, including any arguments that any claim terms are indefinite.
August 10, 2022	Plaintiff files Responsive claim construction brief with respect to claims asserted by them, including any arguments that any claim terms are not indefinite.
August 24, 2022	Defendant files Reply claim construction brief with respect to claims asserted against them.

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

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Dates	Event
September 7, 2022	Plaintiff files Sur-Reply claim construction brief with respect to claims asserted by them.
September 10, 2022	Parties submit Joint Claim Construction Statement.
September 14, 2022	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).
September 21, 2022	*Markman* Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the *Markman* hearing approaches.
September 22, 2022	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
November 2, 2022	Deadline to add parties.
November 16, 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.
January 11, 2023	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.)
March 22, 2023	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.
April 19, 2023	Close of Fact Discovery.
April 26, 2023	Opening Expert Reports.
May 24, 2023	Rebuttal Expert Reports.
June 14, 2023	Close of Expert Discovery.
June 21, 2023	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
June 28, 2023	Dispositive motion deadline and *Daubert* motion deadline. *See* General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
July 12, 2023	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
July 26, 2023	Serve objections to pretrial disclosures/rebuttal disclosures.
August 2, 2023	Serve objections to rebuttal disclosures and File Motions in limine.
August 9, 2023	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions in limine.

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Dates	Event
August 16, 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 in limine.
August 27, 2023	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in limine.
August 30, 2023	Final Pretrial Conference. The Court expects to set this date at the conclusion of the Markman Hearing.
September 20, 2023	Jury Selection/Trial. The Court expects to set these dates at the conclusion of the Markman Hearing.

SIGNED this 2nd day of May, 2022.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

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