

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

XR COMMUNICATIONS, LLC, dba VIVATO
TECHNOLOGIES,

Plaintiff,

v.

AMAZON.COM, INC., AMAZON.COM
SERVICES LLC, and EERO LLC.

Defendants.

Case No. 6:21-cv-619-ADA

JURY TRIAL DEMANDED

XR COMMUNICATIONS, LLC, dba VIVATO
TECHNOLOGIES,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:21-cv-620-ADA

JURY TRIAL DEMANDED

XR COMMUNICATIONS, LLC, dba VIVATO
TECHNOLOGIES,

Plaintiff,

v.

ASUSTEK COMPUTER INC.

Defendant.

Case No. 6:21-cv-622-ADA

JURY TRIAL DEMANDED

XR COMMUNICATIONS, LLC, dba VIVATO
TECHNOLOGIES,

Plaintiff,

v.

Case No. 6:21-cv-623-ADA

JURY TRIAL DEMANDED

CISCO SYSTEMS, INC.
MERAKEI LLC

Defendants.

XR COMMUNICATIONS, LLC, dba VIVATO
TECHNOLOGIES,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. 6:21-cv-625-ADA

JURY TRIAL DEMANDED

XR COMMUNICATIONS, LLC, dba VIVATO
TECHNOLOGIES,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 6:21-cv-626-ADA

JURY TRIAL DEMANDED

XR COMMUNICATIONS, LLC, dba VIVATO
TECHNOLOGIES,

Plaintiff,

v.

DELL TECHNOLOGIES INC. AND DELL
INC.,

Defendants.

Case No. 6:21-cv-646-ADA

JURY TRIAL DEMANDED

XR COMMUNICATIONS, LLC, dba VIVATO
TECHNOLOGIES,

Plaintiff,

v.

Case No. 6:21-cv-694-ADA

JURY TRIAL DEMANDED

HP INC.,

Defendant.

XR COMMUNICATIONS, LLC, dba VIVATO
TECHNOLOGIES,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 6:21-cv-695-ADA

JURY TRIAL DEMANDED

SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court ORDERS that the following schedule will govern deadlines up to and including the trial of this matter:

| Deadline | Item |
|-------------------|--|
| January 12, 2022 | The Parties shall submit an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of Scheduling 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. |
| February 25, 2022 | 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). |
| March 11, 2022 | Parties exchange claim terms for construction. |
| March 25, 2022 | Parties exchange proposed claim constructions. |
| April 1, 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. ¹ 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. |
| April 8, 2022 | Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions. |
| April 15, 2022 | Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite. |
| May 6, 2022 | Plaintiff files Responsive claim construction brief. |
| May 20, 2022 | Defendant files Reply claim construction brief. |
| June 3, 2022 | Plaintiff files a Sur-Reply claim construction brief. |
| June 8, 2022 | Parties submit Joint Claim Construction Statement. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed). |

¹ Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

| | |
|---|---|
| June 10, 2022 | Parties submit optional technical tutorials to the Court and technical adviser (if appointed). |
| June 16, 2022 (or as soon as practicable) at 1 p.m. | <i>Markman</i> Hearing. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches. |
| June 17, 2022 | Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a). |
| July 29, 2022 | Deadline to add parties. |
| August 26, 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. |
| October 7, 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.) |
| December 16, 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. |
| January 20, 2023 | Close of Fact Discovery. |
| January 27, 2023 | Opening Expert Reports. |
| February 24, 2023 | Rebuttal Expert Reports. |
| March 17, 2023 | Close of Expert Discovery. |
| March 24, 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. |
| March 31, 2023 | 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). |
| April 14, 2023 | Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations). |
| April 28, 2023 | Serve objections to pretrial disclosures/rebuttal disclosures. |
| May 5, 2023 | Serve objections to rebuttal disclosures; file Motions <i>in limine</i> . |
| May 12, 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> |
| May 19, 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 |

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.