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

## SMART MOBILE TECHNOLOGIES LLC,

Plaintiff,

v.

Case No. 6:21-cv-00603-ADA

APPLE INC.,

JURY TRIAL DEMANDED

Defendant.

## JOINT AGREED SCHEDULING ORDER

The Court **ORDERS** that the following schedule will govern deadlines in this case *Smart* 

Mobile Technologies LLC v. Apple In	<i>uc.</i> (6:21-cv-00603-ADA):
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Deadline	Item
January 12, 2022 (Wednesday)	Plaintiff serves preliminary <sup>1</sup> 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 earliest 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.
February 2, 2022 (Wednesday)	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.
April 6, 2022 (Wednesday)	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

<sup>&</sup>lt;sup>1</sup> 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.

Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to incligible 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).April 20, 2022 (Wednesday)Partics exchange claim terms for constructions.May 4, 2022 (Wednesday)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. <sup>2</sup> 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.May 25, 2022 (Wednesday)Defendant files Opening claim construction brief, including any (Wednesday)July 6, 2022 (Wednesday)Defendant files Reply claim construction brief.July 7, 2022 (Wednesday)Plaintiff files a Sur-Reply claim construction brief.August 17, 2022 (Wednesday)Plaintiff files a Sur-Reply claim construction brief.August 22, 2022 (Wednesday)Parties submit optional technical tutorials to the Court and technical adviser (if appointed).August 31, 2022 (Wednesday)Parties submit optional technical adviser (if appointed).August 31, 2022 (Wednesday)Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).Cutober 12, 2022<		
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	(Wednesday)	

<sup>&</sup>lt;sup>2</sup> 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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October 26, 2022 Deadline to serve Final Infringement and invalidity Contentions. After   (Wednesday) 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.   November 29, 2022   (Tuesday)   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.   December 21, 2022 Deadline to amend pleadings. A motion is not required unless the   (Wednesday) diate. Any fact discovery requests must be propounded so that the   responses are due by this date. April 19, 2023   (Wednesday) Parties while withess reports, to include all information required by Rule   26(a)(2)(B). Parties shall designate Rebuttal Expert Witnesses on issues for which   (Wednesday) the parties do not bear the burden of proof, and provide their expert   witness reports, to include all information required by Rule 26(a)(2)(B).   June 21, 2023 D		
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	(Wednesday)	

File Joint Pretrial Order and Pretrial Submissions (jury instructions,
exhibits lists, witness lists, discovery and deposition designations); file
oppositions to motions in limine.
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 <i>in limine</i> .
File joint notice identifying remaining objections to pretrial disclosures
and disputes on motions in limine.
-
Final Pretrial Conference.
Jury Selection/Trial.
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ORDERED this 8th day of March, 2022.

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IGHT UNITED STATES DISTRICT JUDGE