## 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-00701-ADA

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

JURY TRIAL DEMANDED

Defendants.

## JOINT AGREED SCHEDULING ORDER

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

Mobile Technologies LLC v. Samsung Electronics Co. Ltd. and Samsung Electronics America,

*Inc.* (6:21-cv-00701-ADA):

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.

<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.

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 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).
April 20, 2022 (Wednesday)	Parties exchange claim terms for construction.
May 4, 2022 (Wednesday)	Parties exchange proposed claim constructions.
May 18, 2022	Parties disclose extrinsic evidence. The parties shall disclose any
(Wednesday)	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	Deadline to meet and confer to narrow terms in dispute and exchange
(Wednesday)	revised list of terms/constructions.
June 8, 2022	Defendant files Opening claim construction brief, including any
(Wednesday)	arguments that any claim terms are not indefinite.
July 6, 2022	Plaintiff files Responsive claim construction brief.
(Wednesday)	
July 27, 2022	Defendant files Reply claim construction brief.
(Wednesday)	
August 17, 2022	Plaintiff files a Sur-Reply claim construction brief.
(Wednesday)	
August 19, 2022	Parties submit optional technical tutorials to the Court and technical
(Friday)	adviser (if appointed).
August 22, 2022	Parties submit Joint Claim Construction Statement.
(Monday)	
(3 business days	See General Issues Note #9 regarding providing copies of the briefing to
after submission of	the Court and the technical adviser (if appointed).
sur-reply)	
August 31, 2022	Markman Hearing at 9:00 a.m. This date is a placeholder and the Court
(Wednesday) or as	may adjust this date as the Markman hearing approaches.
set by the Court	
September 1, 2022	Fact Discovery opens; deadline to serve Initial Disclosures per Rule
(Thursday)	26(a).

<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 12, 2022	Deadline to add parties.
(Wednesday)	
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
N 1 20 2022	after initial contentions.
November 29, 2022	Deadline for the first of two meet and confers to discuss significantly
(Tuesday)	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
D	Court to resolve the disputed issues.
December 21, 2022	Deadline to amend pleadings. A motion is not required unless the
(Wednesday)	amendment adds patents or patent claims. (Note: This includes
Manal 20, 2022	amendments in response to a 12(c) motion.)
March 29, 2023	Close of Fact Discovery. Fact discovery must be completed by this
(Wednesday)	date. Any fact discovery requests must be propounded so that the
A '1 10 2022	responses are due by this date.
April 19, 2023	Parties with burden of proof to designate Expert Witnesses and provide
(Wednesday)	their expert witness reports, to include all information required by Rule $2((\cdot)(2)(\mathbb{R}))$
	26(a)(2)(B).
May 26, 2023	Parties shall designate Rebuttal Expert Witnesses on issues for which
(Wednesday)	the parties do not bear the burden of proof, and provide their expert reit $P_{1}$ and $P_{2}$ (2)(2)(D)
L 21 2022	witness reports, to include all information required by Rule $26(a)(2)(B)$ .
June 21, 2023	Close of Expert Discovery. Expert discovery must be completed by this
(Wednesday)	date.
June 28, 2023	Deadline for the second of two meet and confers to discuss narrowing
(Wednesday)	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.
July 19, 2023	Daubert Motion deadline.
(Wednesday)	
July 19, 2023	Dispositive Motion deadline.
(Wednesday)	Dispositive motion dedunite.
("Concoury)	The Court does not have a limit on the number of motions for summary
	judgment (MSJs); however, absent leave of Court, the cumulative page
	limit for Opening Briefs for all MSJs is 40 pages per side.
August 9, 2023	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists,
(Wednesday)	discovery and deposition designations).
August 30, 2023	Serve objections to pretrial disclosures/rebuttal disclosures.
(Wednesday)	
September 13, 2023	Serve objections to rebuttal disclosures; file Motions in limine.
(Wednesday)	
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September 27, 2023	File Joint Pretrial Order and Pretrial Submissions (jury instructions,
(Wednesday)	exhibits lists, witness lists, discovery and deposition designations); file
	oppositions to motions in limine.
October 4, 2023	File Notice of Request for Daily Transcript or Real Time Reporting. If
(Wednesday)	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> .
3 business days	File joint notice identifying remaining objections to pretrial disclosures
before Final Pretrial	and disputes on motions in limine.
Conference.	
October 13, 2023	Final Pretrial Conference.
October 23, 2023	Jury Selection/Trial.

ORDERED this 8th day of March, 2022.

ALAN D ALBRIGHT UNITED STATES DISTRICT JUDGE