

**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.

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XR COMMUNICATIONS, LLC, dba VIVATO  
TECHNOLOGIES,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

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

**JURY TRIAL DEMANDED**

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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**

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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**

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XR COMMUNICATIONS, LLC, dba VIVATO  
TECHNOLOGIES,

Plaintiff,

v.

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

**JURY TRIAL DEMANDED**

HP INC.,

Defendant.

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XR COMMUNICATIONS, LLC, dba VIVATO  
TECHNOLOGIES,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

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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:

<b>Deadline</b>	<b>Item</b>
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. <sup>1</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.
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).

<sup>1</sup> 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 <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a>

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