

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.; MICRON
SEMICONDUCTOR PRODUCTS, INC.;
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

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Case No. 2:22-cv-203-JRG-RSP

DOCKET CONTROL ORDER

In accordance with the scheduling conference held in this case, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Amended Deadlines	Current Deadlines	Items
	January 22, 2024	*Jury Selection – 9:00 a.m. in Marshall, Texas
	December 26, 2023	* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date. ¹
	December 20, 2023	* Pretrial Conference – 9:00 am in Marshall, Texas before Judge Roy Payne
	December 11, 2023	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court

¹ The Parties are referred to the Court’s Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

		of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
	December 11, 2023	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
	December 4, 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, Shelly Holmes, at shelly_holmes@txed.uscourts.gov .
	November 27, 2023	File Motions <i>in Limine</i> The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
	November 27, 2023	Serve Objections to Rebuttal Pretrial Disclosures
	November 20, 2023	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
	November 6, 2023	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
	October 30, 2023	*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline,

		including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. ² Motions for Summary Judgment shall comply with Local Rule CV-56.
	October 16, 2023	*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
	October 16, 2023	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. <u>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
	October 10, 2023	Deadline to Complete Expert Discovery
	September 25, 2023	Serve Disclosures for Rebuttal Expert Witnesses
	September 5, 2023	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
	September 5, 2023	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof

² The parties are directed to Local Rule CV-7(d), which provides in part that “[a] party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.” If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

	August 9, 2023	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
	July 19, 2023	*Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
	July 5, 2023	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
	June 28, 2023	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
	June 21, 2023	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
	June 7, 2023	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
	June 7, 2023	Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
	May 24, 2023	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
	May 17, 2023	File Response to Amended Pleadings
	May 3, 2023	*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
	April 26, 2023	Comply with P.R. 4-3 (Joint Claim Construction Statement)

	April 5, 2023	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
	March 15, 2023	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
	November 7, 2022	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions ³
November 21, 2022	November 7, 2022	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
	October 24, 2022	*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.
	October 18, 2022	*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Mediation: While certain cases may benefit from mediation, such may not be appropriate for every case. The Court finds that the Parties are best suited to evaluate whether mediation will benefit the case after the issuance of the Court's claim construction order. Accordingly, the Court **ORDERS** the Parties to file a Joint Notice indicating whether the case should be referred for mediation **within fourteen days of the issuance of the Court's claim construction order.** As a

³ <http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf> [https://perma.cc/RQN2-YU5P]

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