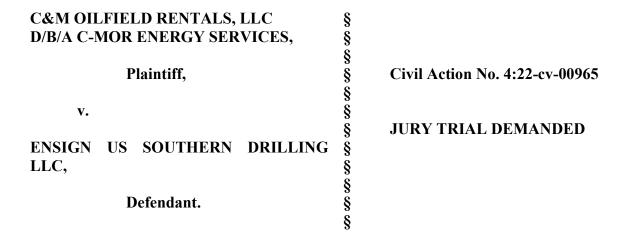
United States District Court Southern District of Texas

## **ENTERED**

September 01, 2022 Nathan Ochsner, Clerk

## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION



## PATENT CASE SCHEDULING ORDER

It is hereby **ORDERED** that the following schedule and the Rules of Practice for Patent Cases in the Southern District of Texas will apply in this case:

0	September 1, 2022	Scheduling Conference
1	November 15, 2022	PRELIMINARY INFRINGEMENT CONTENTIONS Comply with P.R. 3-1 and P.R. 3-2. After this date, it is necessary to obtain leave of court to add and/or amend infringement contentions, pursuant to Patent Rule (P.R.) 3-7. JOIN ADDITIONAL PARTIES OR ADD NEW PATENTS AND/OR CLAIMS It is not necessary to file a motion to join additional parties before this date. Thereafter, it is necessary to obtain leave of court.
2	January 12, 2023	PRELIMINARY INVALIDITY CONTENTIONS Comply with P.R. 3-3 and 3-4. <u>After this date</u> , it is necessary to obtain leave of Court to add and/or amend invalidity contentions, pursuant to P.R. 3-7.  INEQUITABLE CONDUCT ALLEGATIONS Before this date, it is not necessary to file a motion for leave to add inequitable conduct allegations. Thereafter, it is necessary to obtain leave of court to add inequitable conduct allegations.



3	January 26, 2023	<b>EXCHANGE PROPOSED TERMS AND CLAIM ELEMENTS FOR CONSTRUCTION</b> Comply with P.R. 4-1.
4	February 16, 2023	EXCHANGE PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE Comply with P.R. 4-2.
5	March 16, 2023	JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT Comply with P.R. 4-3.
6	March 16, 2023	AMEND PLEADINGS It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings.
7	March 30, 2023	DISCOVERY DEADLINE ON CLAIM CONSTRUCTION ISSUES See P.R. 4-4.
8	April 6, 2023	TECHNOLOGY TUTORIAL DEADLINE Provide Court with technology tutorials (optional).
9	April 20, 2023	OPENING CLAIM CONSTRUCTION BRIEF Comply with P.R. 4-5(a)(1).
10	May 4, 2023	RESPONSIVE CLAIM CONSTRUCTION BRIEF Comply with P.R. 4-5(a)(2).
11	May 11, 2023	REPLY CLAIM CONSTRUCTION BRIEF Comply with P.R. 4-5(a)(3).
12	June 15, 2023	JOINT CLAIM CONSTRUCTION CHART Comply with P.R. 4-5(b) and (c).
13	June 22, 2023	atm. at the United States District Court, Courtroom, Texas.



14	August 3, 2023	Court's Decision on Claim Construction (Markman Ruling) (If ruling is late, parties may seek amendment of remaining dates in Scheduling Order.)
15	December 19, 2023	DEADLINE FOR FINAL INFRINGEMENT CONTENTIONS AND TO AMEND PLEADINGS ON INFRINGEMENT CLAIMS  NOTE: Except as provided in P.R. 3-6, if the amendment would affect preliminary or final infringement contentions, a motion must be made under P.R. 3-7 irrespective of whether the amendment is made before this deadline.
16	January 10, 2024	PRIVILEGE LOGS/WILLFULNESS  Comply with P.R.3-8  All parties furnish privilege logs by this date.
17	January 17, 2024	DEADLINE FOR FINAL INVALIDITY CONTENTIONS AND TO AMEND PLEADINGS ON INVALIDITY CLAIMS. NOTE: Except as provided in P.R. 3-6, if the amendment would affect preliminary or final invalidity contentions, a motion must be made under P.R. 3-7 irrespective of whether the amendment is made before this deadline.
18	December 19, 2023	COMPLETION OF FACT DISCOVERY  Written discovery requests are NOT timely if they are served so close to this deadline that under the Fed. R. Civ. P. the response would not be due until after this deadline.
19	March 6, 2024	DESIGNATION OF EXPERTS AND REQUIRED REPORTS OTHER THAN CLAIM CONSTRUCTION AND ATTORNEYS' FEES  Party with burden of proof ("BOP") on non-construction and fees issues shall comply with Fed. R. Civ. P.26(a)(2)(A-C).
20	April 3, 2024	DESIGNATION OF RESPONSIVE EXPERTS AND REQUIRED REPORTS  Party not having BOP on non-construction and fees issues shall comply with Fed. R. Civ. P. 26(a)(2)(A-C).
21	May 1, 2024	COMPLETION OF EXPERT DISCOVERY



22	June 5, 2024	DISPOSITIVE AND NON-DISPOSITIVE MOTIONS DEADLINES (INCLUDING <i>DAUBERT</i> MOTIONS)
23	December 2, 2024	JOINT PRETRIAL ORDER AND MOTION IN LIMINE DEADLINE The Joint Pretrial Order will contain the pretrial disclosures required by Fed. R. Civ. P. Rule 26(a)(3), Local Rules and this Court's procedures. Plaintiff is responsible for timely filing the complete Joint Pretrial Order. Failure to file a Joint Pretrial Order timely may lead to dismissal or other sanction in accordance with the applicable rules.
24	<b>January 6, 2025</b> at 1:30 p.m.	at the United States District Court, Courtroom,
25	MEDIATION is REQUIRED prior to Docket Call	MEDIATION TO BE COMPLETED BY THIS DATE  The parties must select a mediator for this case. The parties and mediator must comply with S.D. TEXAS LOCAL RULE 16.
26	January 21, 2025 at 9:00 a.m.	JURY SELECTION AND TRIAL commences, subject to Court's criminal docket

SIGNED at Houston, Texas, this 1st day of September, 2022.

SAM SHELDON

SAM SHELDON
UNITED STATES MAGISTRATE JUDGE