

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

MULTIMEDIA TECHNOLOGIES PTE.
LTD.,

Plaintiff,

v.

VIZIO, INC.,

Defendant.

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CIVIL ACTION NO. 2:23-CV-00124-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:

Date	Event
January 6, 2025	*Jury Selection – 9:00 a.m. in Marshall, Texas
7 days before Jury Selection	*Defendant to disclose final invalidity theories, final prior art references/combinations, and final equitable defenses. ¹
10 days before Jury Selection	*Plaintiff to disclose final election of Asserted Claims. ²
December 9, 2024	* 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. ³
December 3, 2024	*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Roy Payne

¹ The proposed DCO shall include this specific deadline. The deadline shall read, “7 days before Jury Selection,” and shall not include a specific date.

² Given the Court’s past experiences with litigants dropping claims and defenses during or on the eve of trial, the Court is of the opinion that these additional deadlines are necessary. The proposed DCO shall include this specific deadline. The deadline shall read, “10 days before Jury Selection,” and shall not include a specific date.

³ The Parties are referred to the Court’s Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

November 26, 2024	<p>*Notify Court of Agreements Reached During Meet and Confer</p> <p>The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i>. The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.</p>
November 26, 2024	*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
November 19, 2024	<p>*File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>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, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.</p>
November 12, 2024	<p>File Motions <i>in Limine</i></p> <p>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.</p>
November 12, 2024	Serve Objections to Rebuttal Pretrial Disclosures
November 5, 2024	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
October 22, 2024	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof

October 15, 2024	*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed prior 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. ⁴ Motions for Summary Judgment shall comply with Local Rule CV-56.
October 1, 2024	*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 1, 2024	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. ⁵ <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
September 24, 2024	Deadline to Complete Expert Discovery
September 10, 2024	Serve Disclosures for Rebuttal Expert Witnesses
August 20, 2024	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
August 6, 2024	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
July 26, 2024	Comply with P.R. 3-7 (Opinion of Counsel Defenses)

⁴ 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.”

⁵ 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.

July 25, 2024	*Claim Construction Hearing—9:00 a.m. in Marshall, Texas before Judge Roy Payne
July 11, 2024	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
July 5, 2024	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
June 27, 2024	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
June 13, 2024	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 13, 2024	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 30, 2024	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
May 23, 2024	File Response to Amended Pleadings
May 9, 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.
May 2, 2024	Comply with P.R. 4-3 (Joint Claim Construction Statement)
April 11, 2024	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
March 21, 2024	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)

September 28, 2023	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions ⁶
September 28, 2023	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
August 10, 2023	*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.

(*) 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 part of such Joint Notice, the Parties should indicate whether they have a mutually agreeable mediator for the Court to consider. If the Parties disagree about whether mediation is appropriate, the Parties should set forth a brief statement of their competing positions in the Joint Notice.

Summary Judgment Motions, Motions to Strike Expert Testimony, and *Daubert* Motions:

For each motion, the moving party shall provide the Court with two (2) hard copies of the completed briefing (opening motion, response, reply, and if applicable, sur-reply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and

⁶ <http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf> [<https://perma.cc/RQN2->

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