

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

AX WIRELESS LLC,

Plaintiff,

v. § CIVIL ACTION NO. 2:22-CV-00280-RWS-RSP

LENOVO GROUP LIMITED,

Defendant.

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THIRD AMENDED DOCKET CONTROL ORDER

In accordance with the Parties’ Disputed Motion to Amend Second Amended Docket Control Order (Dkt. No. 128), it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

| Original Date | Amended Date | |
|-------------------------------|-------------------------------|---|
| June 24, 2024 | July 15, 2024 | *Jury Selection – 9:00 a.m. in Marshall, Texas |
| 7 days before Jury Selection | 7 days before Jury Selection | *Defendant to disclose final invalidity theories, final prior art references/combinations, and final equitable defenses. Defendants’ Final Election of Asserted Prior Art shall identify no more than six asserted prior art references per patent from among the ten prior art references previously identified for that particular patent and no more than a total of twenty references. For purposes of this Final Election of Asserted Prior Art, each obviousness combination counts as a separate prior art reference |
| 10 days before Jury Selection | 10 days before Jury Selection | *Plaintiff to disclose final election of Asserted Claims. Plaintiff’s Final Election of Asserted Claims shall identify no more than five asserted claims per patent from among the eight previously identified claims and no more than a total of sixteen asserted claims |

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| May 27, 2024 | June 19, 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 ¹ . |
| May 21, 2024 | June 14, 2024 | *Pretrial Conference – 1:30 p.m. in Marshall, Texas before Judge Roy Payne |
| May 13, 2024 | June 7, 2024 | *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 of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference. |
| May 13, 2024 | June 7, 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 |
| May 6, 2024 | June 5, 2024 | *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. |

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| April 29, 2024 | June 5, 2024 | 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. |
| April 29, 2024 | June 5, 2024 | Serve Objections to Rebuttal Pretrial Disclosures |
| April 22, 2024 | May 29, 2024 | Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures |
| April 1, 2024 | May 29, 2024 | 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. |
| April 8, 2024 | May 22, 2024 | Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) 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,

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| March 18, 2024 | May 15, 2024 | <p>*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)</p> <p>No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p> |
| March 18, 2024 | May 15, 2024 | <p>*File Dispositive Motions</p> <p>No dispositive motion may be filed after this date without leave of the Court.</p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV- 7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u></p> |
| March 11, 2024 | May 8, 2024 | Deadline to Complete Expert Discovery |
| February 16, 2024 | April 10, 2024 | Serve Disclosures for Rebuttal Expert Witnesses |
| January 26, 2024 | March 20, 2024 | Deadline to Complete Fact Discovery and File Motions to Compel Discovery |
| January 26, 2024 | March 20, 2024 | Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof |
| | December 11, 2023 | Defendants serve their Preliminary Election of Asserted Prior Art, which shall assert no more than ten prior art references against each patent and not more than a total of 40 references |
| October 6, 2023 | November 17, 2023 | Comply with P.R. 3-7 (Opinion of Counsel Defenses) |
| | November 30, 2023 | Plaintiff serves its Preliminary Election of Asserted Claims, which shall assert no more than eight claims from each patent and not more than a total of 32 claims. |
| October 27, 2023 | November 16, 2023 | *Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Roy Payne |

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| October 13, 2023 | October 13, 2023 | *Comply with P.R. 4-5(d) (Joint Claim Construction Chart) |
| October 6, 2023 | October 6, 2023 | *Comply with P.R. 4-5(c) (Reply Claim Construction Brief) |
| September 29, 2023 | September 29, 2023 | Comply with P.R. 4-5(b) (Responsive Claim Construction Brief) |
| September 15, 2023 | September 15, 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). |
| September 15, 2023 | September 15, 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. |
| September 1, 2023 | September 1, 2023 | Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery) |
| August 25, 2023 | August 25, 2023 | File Response to Amended Pleadings |
| August 11, 2023 | August 11, 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. |
| August 18, 2023 | August 18, 2023 | Comply with P.R. 4-3 (Joint Claim Construction Statement) |

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