

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PROXENSE, LLC, Plaintiff, v. GOOGLE LLC, Defendant.	Civil Action No. 6:23-cv-00320-ADA
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SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16, the Court hereby ORDERS that the following schedule will govern deadlines up to and including trial of this matter:

Deadline	Item
07-24-2023	Deadline for Plaintiff to serve preliminary infringement contentions.
07-31-2023	Parties' Proposed Date for Initial Case Management Conference
08-21-2023	Deadline for Defendant to file a motion for inter-district transfer. After this deadline, movants must seek leave of Court and show good cause for the delay.
09-18-2023	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).
10-02-2023	Parties exchange claim terms for construction.
10-16-2023	Parties exchange proposed claim constructions.

10-23-2023	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. ¹ 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.
10-30-2023	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
11-06-2023	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
12-01-2023	Plaintiff files Responsive claim construction brief.
12-20-2023	Defendant files Reply claim construction brief. Parties to jointly email the law clerks (<i>see</i> OGP at 1) to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution.
01-05-2024	Plaintiff files a Sur-Reply claim construction brief.
01-10-2024	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy. Parties submit optional technical tutorials to the Court and technical advisor (if appointed).
01-19-2024 ²	<i>Markman</i> Hearing at 9:00 a.m.
1 business day after <i>Markman</i> hearing	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
6 weeks after <i>Markman</i> hearing	Deadline to add parties.
8 weeks after <i>Markman</i> hearing	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.

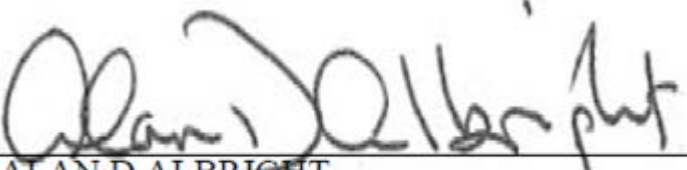
¹ Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

² All deadlines hereafter follow the original *Markman* hearing date and do not change if the Court delays the *Markman* hearing.

16 weeks after <i>Markman</i> hearing	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.)
26 weeks after <i>Markman</i>	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.
30 weeks after <i>Markman</i> hearing	Close of Fact Discovery.
31 weeks after <i>Markman</i> hearing	Opening Expert Reports.
35 weeks after <i>Markman</i> hearing	Rebuttal Expert Reports.
38 weeks after <i>Markman</i> hearing	Close of Expert Discovery.
39 weeks after <i>Markman</i> hearing	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. If 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.
40 weeks after <i>Markman</i> hearing	Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
42 weeks after <i>Markman</i> hearing	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, deposition designations).
44 weeks after <i>Markman</i> hearing	Serve objections to pretrial disclosures/rebuttal disclosures.
8 weeks before trial	Parties to jointly email the Court's law clerk (<i>See</i> OGP at 1) to confirm their pretrial conference and trial dates.
45 weeks after <i>Markman</i> hearing	Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .

46 weeks after <i>Markman</i> hearing	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, deposition designations); file oppositions to motions <i>in limine</i>
47 weeks after <i>Markman</i> hearing	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 email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to file replies to motions <i>in limine</i> .
48 weeks after <i>Markman</i> hearing	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
3 business days before Final Pretrial Conference.	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
49 weeks after <i>Markman</i> hearing (or as soon as practicable)	Final Pretrial Conference. Held in person unless otherwise requested.
52 weeks after <i>Markman</i> hearing (or as soon as practicable) ³	Jury Selection/Trial.

SIGNED this 18th day of August, 2023.


 ALAN D ALBRIGHT
 UNITED STATES DISTRICT JUDGE

³ If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-Markman that are consistent with the Court's default deadlines in light of the actual trial date.