

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

| | | |
|---|---|----------------------------------|
| AGIS SOFTWARE DEVELOPMENT LLC, | § | |
| | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | |
| | § | Civil Action No. 2:17-CV-513-JRG |
| HUAWEI DEVICE USA INC., HUAWEI DEVICE CO., LTD. AND HUAWEI DEVICE (DONGGUAN) CO., LTD., HTC CORPORATION, LG ELECTRONICS, INC., APPLE INC., ZTE CORPORATION, ZTE (USA), INC., AND ZTE (TX), INC., | § | (Lead Case) |
| | § | |
| | § | Civil Action No. 2:17-CV-514-JRG |
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| | § | Civil Action No. 2:17-CV-516-JRG |
| | § | Civil Action No. 2:17-CV-517-JRG |
| Defendants. | | |

JOINT MOTION FOR ENTRY OF AGREED DOCKET CONTROL ORDER

Pursuant to the Court's Consolidation Order (Dkt. No. 90) filed on March 5, 2018 in the Huawei Device USA Inc., et al. case, the parties jointly and respectfully request that the Court enter the proposed Docket Control Order, attached as Exhibit A. The parties' adjustments to the Docket Control Order (Dkt. 89) issued in the Huawei Device USA Inc., et al. case on March 5, 2017 are set forth below.

| Current Deadline | Proposed Deadline | Event |
|-------------------------|--------------------------|---|
| March 4, 2019 | Same | *Jury Selection - 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap |
| February 4, 2019 | Same | *Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap |

| Current Deadline | Proposed Deadline | Event |
|-------------------|-------------------|--|
| January 30, 2019 | Same | <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> |
| January 28, 2019 | Same | <p>*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</p> |
| January 21, 2019 | Same | <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, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.</p> |
| January 14, 2019 | Same | <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> |
| January 14, 2019 | Same | <p>Serve Objections to Rebuttal Pretrial Disclosures</p> |
| January 7, 2019 | Same | <p>Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures</p> |
| December 21, 2018 | Same | <p>Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by</p> |

| Current Deadline | Proposed Deadline | Event |
|--------------------|-------------------|---|
| | | the Party with the Burden of Proof |
| December 7, 2018 | Same | *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. |
| December 7, 2018 | Same | *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. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u> |
| December 3, 2018 | Same | Deadline to Complete Expert Discovery |
| November 5, 2018 | Same | Serve Disclosures for Rebuttal Expert Witnesses |
| October 15, 2018 | Same | Deadline to Complete Fact Discovery and File Motions to Compel Discovery |
| October 15, 2018 | Same | Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof |
| September 28, 2018 | Same | Deadline to Complete Mediation The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation. |
| September 21, 2018 | Same | Comply with P.R. 3-7 (Opinion of Counsel Defenses) |

| Current Deadline | Proposed Deadline | Event |
|------------------|-------------------|---|
| August 31, 2018 | Same | *Claim Construction Hearing – 1:30 p.m. in Marshall, Texas before Judge Rodney Gilstrap |
| August 29, 2018 | August 15, 2018 | <p>Plaintiff shall serve a Final Election of Asserted Claims, which shall identify no more than 15 claims per asserted patent and no more than 38 claims in total.</p> <p>Not later than 14 days after Plaintiff's election each Defendant to elect no more than 15 prior art references against each patent and no more than a total of 40 references.</p> |
| August 17, 2018 | Same | *Comply with P.R. 4-5(d) (Joint Claim Construction Chart) |
| August 10, 2018 | Same | *Comply with P.R. 4-5(c) (Reply Claim Construction Brief) |
| August 3, 2018 | Same | Comply with P.R. 4-5(b) (Responsive Claim Construction Brief) |
| July 20, 2018 | Same | <p>Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)</p> <p>Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).</p> |
| July 20, 2018 | Same | <p>Deadline to Substantially Complete Document Production and Exchange Privilege Logs</p> <p>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.</p> |
| July 6, 2018 | Same | Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery) |
| June 29, 2018 | Same | File Response to Amended Pleadings |

| Current Deadline | Proposed Deadline | Event |
|------------------|-------------------|---|
| June 15, 2018 | Same | *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. |
| June 8, 2018 | Same | Comply with P.R. 4-3 (Joint Claim Construction Statement) |
| May 18, 2018 | Same | Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions) |
| April 27, 2018 | Same | Comply with P.R. 4-1 (Exchange Proposed Claim Terms) |
| None | April 16, 2018 | Plaintiff shall serve a Preliminary Election of Asserted Claims, which shall identify no more than 20 claims per asserted patent and no more than 75 claims in total. Not later than 14 days after Plaintiff's election each Defendant to elect no more than 20 prior art references against each patent and no more than 60 total references. |

(*) 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.

Dated: April 2, 2018

Respectfully submitted,

BROWN RUDNICK LLP

/s/ Daniel J. Shea Jr.

Alfred R. Fabricant
 NY Bar No. 2219392
 Email: afabricant@brownrudnick.com
 Peter Lambrianakos
 NY Bar No. 2894392
 Email: plambrianakos@brownrudnick.com
 Vincent J. Rubino, III

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