

**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
	§	(Lead Case)
	§	
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.,	§	
	§	Civil Action No. 2:17-CV-514-JRG
	§	Civil Action No. 2:17-CV-515-JRG
	§	Civil Action No. 2:17-CV-516-JRG
	§	Civil Action No. 2:17-CV-517-JRG
Defendants.		

SECOND AMENDED DOCKET CONTROL ORDER

In accordance with the Consolidation Order filed on March 5, 2018 (Dkt. No. 90), it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

Current Deadline	Amended 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	Amended 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	Amended 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.
		Comply with P.R. 3-7 (Opinion of Counsel Defenses)

Current Deadline	Amended Deadline	Event
September 21, 2018	Same	
August 31, 2018	Same	*Claim Construction Hearing – 1:30 p.m. in Marshall, Texas before Judge Rodney Gilstrap
August 29, 2018	August 15, 2018	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. 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.
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	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).
July 20, 2018	Same	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.

Current Deadline	Amended Deadline	Event
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
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)
April 16, 2018	Same	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.

ADDITIONAL REQUIREMENTS

Notice of Mediator: The parties are to jointly file a notice that identifies the agreed upon mediator or indicates that no agreement was reached. If the parties do not reach an agreement,

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