

EXHIBIT D

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

AGIS SOFTWARE DEVELOPMENT, LLC,

Plaintiff,

v.

HTC CORPORATION,

Defendant.

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Case No. 2:17-cv-514-JRG
(LEAD CASE)

JURY TRIAL DEMANDED

AGIS SOFTWARE DEVELOPMENT, LLC,

Plaintiff,

v.

ZTE CORPORATION, ZTE (USA), INC.,
AND ZTE (TX), INC.,

Defendants.

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Case No. 2:17-cv-517-JRG
(CONSOLIDATED CASE)

JURY TRIAL DEMANDED

DOCKET CONTROL ORDER

In accordance with the Scheduling Conference held in this case on February 1, 2018 and Dkt. No. 26, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:^{1,2}

¹ HTC Corp. states that it enters into this docket control order subject to its motion to dismiss and without waiver of its objection to personal jurisdiction in this case.

² Defendant ZTE Corporation has not yet been served or appeared in this matter; thus, Defendant ZTE Corporation will adhere to the schedule of deadlines if it is served. Further, ZTE (USA), Inc. and ZTE (TX), Inc. state that they enter into this docket control order subject to their motion to dismiss, or in the alternative transfer, and without waiver of its objection to venue in this case.

Current Deadline	New Deadline	Event
March 4, 2019	Unchanged	*Jury Selection - 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
February 4, 2019	Unchanged	*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
January 30, 2019	Unchanged	*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.
January 28, 2019	Unchanged	*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
January 21, 2019	Unchanged	*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.
January 14, 2019	Unchanged	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.
January 14, 2019	Unchanged	Serve Objections to Rebuttal Pretrial Disclosures
December 31, 2018	January 7, 2019	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures

Current Deadline	New Deadline	Event
December 24, 2018	December 21, 2018	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
November 26, 2018	December 7, 2018	*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.
November 26, 2018	December 7, 2018	*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>
November 26, 2018	December 3, 2018	Deadline to Complete Expert Discovery
November 5, 2018	Unchanged	Serve Disclosures for Rebuttal Expert Witnesses
October 15, 2018	Unchanged	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
October 15, 2018	Unchanged	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
September 28, 2018	Unchanged	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	Unchanged	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
August 31, 2018	Unchanged	*Claim Construction Hearing – 1:30 p.m. in Marshall, Texas before Judge Rodney Gilstrap

Current Deadline	New Deadline	Event
	August 29, 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 Defendants 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	Unchanged	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
August 10, 2018	Unchanged	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
August 3, 2018	Unchanged	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
July 20, 2018	Unchanged	<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	Unchanged	<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	Unchanged	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
June 29, 2018	Unchanged	File Response to Amended Pleadings

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