

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

AGIS SOFTWARE DEVELOPMENT, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 2:17-cv-514-JRG
	§	(LEAD CASE)
HTC CORPORATION,	§	
	§	<b>JURY TRIAL DEMANDED</b>
Defendant.	§	
	§	

---

AGIS SOFTWARE DEVELOPMENT, LLC,	§	
	§	
Plaintiff,	§	Case No. 2:17-cv-517-JRG
	§	(CONSOLIDATED CASE)
v.	§	
	§	<b>JURY TRIAL DEMANDED</b>
ZTE CORPORATION, ZTE (USA), INC.,	§	
AND ZTE (TX), INC.,	§	
Defendants.	§	
	§	

**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:<sup>1,2</sup>

<sup>1</sup> 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.

<sup>2</sup> 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 <b>Marshall, Texas</b> before Judge Rodney Gilstrap
February 4, 2019	Unchanged	*Pretrial Conference – 9:00 a.m. in <b>Marshall, Texas</b> 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 <b>Marshall, Texas</b> 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

Current Deadline	New Deadline	Event
June 15, 2018	Unchanged	<p>*File Amended Pleadings</p> <p>It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.</p>
June 8, 2018	Unchanged	Comply with P.R. 4-3 (Joint Claim Construction Statement)
May 18, 2018	Unchanged	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
April 27, 2018	Unchanged	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
	April 1, 2018	<p>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.</p> <p>Not later than 14 days after Plaintiff's election Defendants to elect no more than 20 prior art references against each patent and no more than 60 total references.</p>
March 15, 2018	Unchanged	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
February 22, 2018	Unchanged	<p>*File Proposed Protective Order and Comply with Paragraphs 1 &amp; 3 of the Discovery Order (Initial and Additional Disclosures)</p> <p>The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.</p>

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.