

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

AGIS SOFTWARE DEVELOPMENT LLC	§	
	§	
v.	§	Case No. 2:17-CV-0516-JRG
	§	
APPLE, INC.	§	

DOCKET CONTROL ORDER

In accordance with the scheduling conference held in this case, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

Original Date	New Date	Event
December 3, 2018	Unchanged	*Jury Selection – 9:00 a.m. in Marshall, Texas
November 5, 2018	Unchanged	*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
October 31, 2018	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.
October 29, 2018	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
October 22, 2018	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.

Original Date	New Date	Event
October 15, 2018	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.
October 15, 2018	Unchanged	Serve Objections to Rebuttal Pretrial Disclosures
October 1, 2018	October 5, 2018	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
September 24, 2018	Unchanged	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
August 27, 2018	Unchanged	*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.
August 27, 2018	Unchanged	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. <u>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
August 27, 2018	August 24, 2018	Deadline to Complete Expert Discovery
August 6, 2018	Unchanged	Serve Disclosures for Rebuttal Expert Witnesses
July 16, 2018	Unchanged	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
July 16, 2018	July 9, 2018	Deadline to Complete Fact Discovery and File Motions to Compel Discovery

Original Date	New Date	Event
June 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.
June 21, 2018	Unchanged	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
May 31, 2018	Unchanged	*Claim Construction Hearing – 1:30 p.m. in Marshall, Texas before Judge Rodney Gilstrap
May 17, 2018	Unchanged	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
	May 17, 2018	Plaintiff to elect no more than 15 claims per asserted patent and no more than 48 total claims; Not later than 14 days after Plaintiff's election, Defendant to elect no more than 15 prior art references against each patent and no more than a total of 40 references.
May 10, 2018	Unchanged	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
May 3, 2018	Unchanged	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
April 19, 2018	Unchanged	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).
April 19, 2018	April 12, 2018	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.
April 5, 2018	Unchanged	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)

Original Date	New Date	Event
N/A	April 2, 2018	The parties shall meet and confer regarding the election of asserted claims and prior art in view of the Final Amended Pleadings and P.R. 4-3 Joint Claim Construction Statement.
March 29, 2018	Unchanged	File Response to Amended Pleadings
March 15, 2018	Unchanged	*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.
March 8, 2018	Unchanged	Comply with P.R. 4-3 (Joint Claim Construction Statement)
February 15, 2018	Unchanged	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
January 25, 2018	Unchanged	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
November 1, 2017	December 1, 2017	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
October 11, 2017	October 18, 2017	*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) 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.
N/A	October 6, 2017	Comply with P.R. 3-1 & 3-2 (Infringement Contentions) for claims regarding U.S. Patent No. 9,749,829 (Completed)
October 4, 2017	October 11, 2017	*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.

Original Date	New Date	Event
September 27, 2017	Unchanged	Join Additional Parties (Completed)
September 23, 2017	September 25, 2017	*File Notice of Mediator (Completed)
September 18, 2017	Unchanged	Comply with P.R. 3-1 & 3-2 (Infringement Contentions) (Completed)

(*) 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, the Court will appoint a mediator. The parties should not file a list of mediators to be considered by the Court.

Summary Judgment Motions, Motions to Strike Expert Testimony, and Daubert Motions: For each motion, the moving party shall provide the Court with two (2) copies of the completed briefing (opening motion, response, reply, and if applicable, surreply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and must include the CM/ECF header. For expert-related motions, complete digital copies of the relevant expert report(s) and accompanying exhibits shall be submitted on a single flash drive. These copies shall be delivered as soon as briefing has completed.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order (“DCO”): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and

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