

IN THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT
OF TEXAS SHERMAN DIVISION

OCEAN SEMICONDUCTOR LLC,
Plaintiff,

v.

HUAWEI DEVICE USA, INC., HUAWEI
DEVICE CO., LTD.; and HISILICON
TECHNOLOGIES CO., LTD.,

Defendants.

Civil Action No. 4:20-cv-991-ALM

DEMAND FOR JURY TRIAL

JOINT RULE 26(f) CONFERENCE REPORT

The parties in the above-captioned case have conferred as required by Fed. R. Civ. P. 26(f) and the Court's Order Governing Proceedings (Dkt. 20 - "Order") and file this joint report.

The Rule 26(f) conference was held on July 6, 2020. Henrik D. Parker and Alex Chan of Devlin Law Firm LLC participated on behalf of Ocean Semiconductor, LLC ("Ocean Semiconductor" or "Plaintiff"). Aaron Davidson of Cole Schotz P.C. participated on behalf of Huawei Device USA, Inc., Huawei Device Co., Ltd., and HiSilicon Technologies Co., Ltd. ("Huawei" or "Defendants").

(1) Suggested Modifications of the Proposed Deadlines for the Scheduling Order Set Out in Appendix B

While in agreement as to many of the proposed case deadlines in these actions, as reflected in the comparison chart below, the parties have a few disputes that are discussed further below the chart. To more easily show where the parties are in dispute, the dates in the chart are written in bold face if either: (1) neither side proposes any modification to the Court's proposed

deadline: or (2) the parties agree upon a proposed modification or addition to the Court's proposed schedule.

Court's Proposed Deadline	Plaintiff's Proposed Deadline	Defendants' Proposed Deadline	DESCRIPTION
No later than 21 days before Mgmt. Conf. (July 14, 2021)			Motions to Transfer
August 4, 2021, at 9:00 a.m. To be discussed at Mgmt. Conf.			Initial Rule 16 Management Conference Mediation. The Court will appoint a mediator at the Scheduling Conference.
10 days after Mgmt. Conf. (August 16, 2021)			P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions (and P.R. 3-2 document production) to be served.
5 weeks after Mgmt. Conf. (September 8, 2021)			Join additional parties. P.R. 3-3 Invalidity Contentions (and P.R. 3-4 document production) to be served. To the extent not already required to be disclosed, exchange Mandatory Disclosures on all issues, including damages.
No later than 45 days after Mgmt. Conf. (September 20, 2021)			Parties to exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112, ¶ 6 (P.R. 4-1).
7 weeks after Mgmt. Conf. (September 22, 2021)			Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
No later than 65 days after Mgmt. Conf. (October 8, 2021)		October 6, 2021	Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same. (P.R. 4-2).
13 weeks after Mgmt. Conf. (November 3, 2021)			Parties' Final Amended Pleadings. (A motion for leave is required.)
No later than 95 days after Mgmt. Conf. (November 8, 2021)		October 15, 2021	Joint Claim Construction and Prehearing Statement to be filed. (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims.
16 weeks after Mgmt. Conf. (November 24, 2021)			Respond to Amended Pleadings

No later than 125 days after Mgmt. Conf. (December 7, 2021)	October 29, 2021	Completion date for discovery on claim construction. (P.R. 4-4). Preliminary Election of Asserted Claims (Model General Order 13-20).
December 21, 2021	November 12, 2021	Preliminary Election of Asserted Prior Art (Model General Order 13-20).
No later than 140 days after Mgmt. Conf. (December 22, 2021)	November 8, 2021	Opening claim construction brief. (P.R. 4-5(a)).
No later than 2 weeks after claim construction brief (January 5, 2022)	November 22, 2021	Responsive claim construction brief. (P.R. 4-5(b)).
No later than 7 days after response (January 12, 2022)	December 1, 2021	Reply claim construction brief. (P.R. 4-5(c))
4 weeks before claim construction hearing (December 8, 2021)		Submit technology synopsis/tutorial (both hard copy and disk).
At least 10 days before claim construction hearing (December 23, 2021)		Parties to file joint claim construction and chart. (P.R. 4-5(d)). Parties shall work together to agree on as many claim terms as possible.
January 5, 2022, at 9:00 a.m.		Proposed Claim Construction hearing at the Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090.
5 weeks after claim construction hearing (February 9, 2022)		Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations and tangible things, which are relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this Court's order or the Patent Rules, nor an excuse to delay disclosure of information. It is a "catchall" deadline for provision of all remaining information which may be relevant to a claim or defense of any party at trial.
28 days before service of expert reports by the party with the burden of proof (February 23, 2022)		Final Election of Asserted Claims (Model General Order 13-20).
9 weeks after claim construction hearing (March 9, 2022)		Parties with burden of proof to designate Expert Witnesses other than claims construction experts and provide their expert witness reports, to include for ALL experts all information set out in Rule 26(a)(2)(B).

	<p>Comply with P.R. 3-7 (Designation of Willfulness Opinions).</p> <p>Final Election of Asserted Prior Art (Model General Order 13-20).</p>
<p>11 weeks after claim construction hearing (March 23, 2022)</p>	<p>Parties to Designate Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B).</p> <p>Note: Objections to any expert, including Daubert motions, shall be filed within 3 weeks after the expert's Report has been disclosed. Such objections and motions are limited to ten pages each.</p>
<p>13 weeks after claim construction hearing (and no later than 110 days prior to the filing of the Joint Final PTO) (April 6, 2022)</p>	<p>File Dispositive Motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files, each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rule CV-7.</p> <p>Responses to motions shall be due in accordance with Local Rule CV-7(e).</p>
<p>13 weeks after claim construction hearing (April 6, 2022)</p>	<p>Discovery deadline. All discovery must be served in time to be completed by this deadline.</p>
<p>5 weeks before final pretrial conference (July 11, 2022)</p>	<p>Notice of intent to offer certified records.</p>
<p>5 weeks before final pretrial conference (July 11, 2022)</p>	<p>Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order, see www.txed.uscourts.gov, and Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in nonjury cases).</p>
<p>30 days before final pretrial conference (July 15, 2022)</p>	<p>Motions <i>in limine</i> due.</p> <p>File Joint Final Pretrial Order. Exchange Exhibits and deliver copies to the Court. At this date, all that is required to be submitted to the Court is a hyperlinked exhibit list on disk (2 copies) and no hard copies.</p>

<p style="text-align: center;">4 weeks before final pretrial conference (July 18, 2022)</p>	<p>Video Deposition Designation due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those which cannot be resolved shall be presented to the Court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the Court's rulings on objections.</p>		
<p style="text-align: center;">2 weeks before final pretrial conference (August 1, 2022)</p>	<p>Response to motions <i>in limine</i> due.</p> <p>File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order. (This does not extend the deadline to object to expert witnesses.) If numerous objections are filed, the Court may set a hearing prior to docket call.</p> <p>File Proposed Jury Instructions/Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).</p>		
<p style="text-align: center;">August 15, 2022, at 9:00 a.m.</p>	<p>Final Pretrial Conference at the United States Courthouse located at 101 E. Pecan Street, Sherman, Texas 75090.</p>		
	<p style="text-align: center;">9/6/22</p>	<p style="text-align: center;">TBD</p>	<p>TBD 10:00 a.m. Jury Selection and Trial at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas.</p>

a) The need for and any specific limits on discovery relating to claim construction, including depositions of witnesses, including expert witnesses;

The parties agree that there is no need for any specific limits on discovery relating to claim construction beyond those set out in the Federal Rules of Civil Procedure and Local Patent Rules.

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