

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NEODRON LTD.,

Plaintiff,

v.

DELL TECHNOLOGIES INC.,

Defendant.

Case No. 1:19-cv-00819-ADA

NEODRON LTD.,

Plaintiff,

v.

HP, INC.,

Defendant.

Case No. 1:19-cv-00873-ADA

NEODRON LTD.,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 1:19-cv-00874-ADA

NEODRON LTD.,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No. 1:19-cv-00898-ADA

NEODRON LTD.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendant.

Case No. 1:19-cv-00903-ADA

SCHEDULING ORDER

On December 19, 2019 and January 7, 2020, the Court conducted conferences in the above-entitled and numbered cases. All parties appeared through counsel. As a result of such hearings, the Court Orders that the above cases will be consolidated only for *Markman* purposes and that the following schedule will govern deadlines up to and including the *Markman* hearing. The cases will be coordinated post-*Markman* and will follow the below post-*Markman* schedule in their individual cases.

Deadline	Item
December 11, 2019	Plaintiff serves preliminary ¹ infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (<i>i.e.</i> the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
January 3, 2020	Deadline for Motions to Transfer

¹ The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any such material. Any amendment to add claims requires leave of court so that the Court can address any scheduling issues.

Deadline	Item
February 28, 2020	<p>Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101.</p> <p>Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the prior two years, unless the parties agree to some other timeframe.</p>
March 6, 2020	Parties exchange claim terms for construction.
March 20, 2020	Parties exchange proposed claim constructions.
April 3, 2020	<p>Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall also provide a summary of the witness's expected testimony including the opinions to be expressed and a general description of the basis and reasons therefore. A failure to summarize the potential expert testimony in a good faith, informative fashion may result in the exclusion of the proffered testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.</p>
April 10, 2020	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
April 17, 2020	Parties file Opening claim construction briefs, including any arguments that any claim terms are indefinite.
May 15, 2020	Parties file Responsive claim construction briefs.
May 18, 2020	Parties shall contact the Court to schedule a telephonic hearing if there are issues regarding post- <i>Markman</i> coordination that either party would like to address before the

Deadline	Item
	<i>Markman</i> hearing, otherwise those issues can be taken up at the conclusion of the <i>Markman</i> hearing
June 5, 2020	Parties file Reply claim construction briefs.
June 12, 2020	Parties submit Joint Claim Construction Statement and consolidated briefing collated by Opening, Response, and Reply in Microsoft Word format. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
June 25 and June 26, 2020	Markman Hearing at 9:00 a.m.
July 5, 2020	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
August 7, 2020	Deadline to add parties.
August 21, 2020	Deadline to serve Final Infringement and Invalidity Contentions.
September 18, 2020	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or claims.
December 11, 2020	Close of Fact Discovery.
January 8, 2021	Opening Expert Reports.
February 5, 2021	Rebuttal Expert Reports.
February 26, 2021	Close of Expert Discovery.
March 5, 2021	Deadline to meet and confer to discuss narrowing the number of claims asserted and prior art references at issue. The parties shall file a report within 5 business days regarding the results of the meet and confer.
March 12, 2021	Dispositive motion deadline and <i>Daubert</i> motion deadline.
March 26, 2021	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
April 9, 2021	Serve objections to pretrial disclosures/rebuttal disclosures.

Deadline	Item
April 16, 2021	Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .
April 23, 2021	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i>
April 30, 2021	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
3 business days before Final Pretrial Conference.	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
44 weeks after Markman hearing (or as soon as practicable)	Final Pretrial Conference. The Court expects to set this date at the conclusion of the Markman hearing.
45-48 weeks after Markman hearing (or as soon as practicable)	Jury Selection/Trial. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.

SIGNED this 12th day of January, 2020.



HONORABLE ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE