

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

BANDSPEED, LLC,

Plaintiff,

v.

REALTEK SEMICONDUCTOR
CORPORATION,

Defendant.

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CASE NO. 1:20-cv-00765-LY

AGREED SCHEDULING ORDER

The parties recommend that the following deadlines be entered in the scheduling order to control the course of this case:

1. The parties must mediate this case by November 15, 2023, and file a report in accordance with Rule 88 after the mediation is completed.
2. The parties asserting non-declaratory claims for relief shall submit a written offer of settlement to opposing parties by October 6, 2023, and each opposing party shall respond, in writing, by October 27, 2023. All offers of settlement are to be private, not filed.
3. The parties shall file all motions to join additional parties by March 28, 2024.
4. The parties will meet and confer to discuss adding deadlines in the schedule for the narrowing of claims asserted and prior art references at issue. On or before October 6, 2023, the parties will submit a further proposed scheduling order that addresses these issues. If the parties are unable to reach agreement, they will explain their positions to the Court and request the Court's guidance.
5. The parties shall complete all discovery on or before August 26, 2024. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court

except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

6. All parties with the initial burden of proof shall exchange opening expert reports (all materials required by Fed. R. Civ. P. 26(a)(2)(B)) by September 26, 2024. Parties will exchange rebuttal expert reports (all materials required by Fed. R. Civ. P. 26(a)(2)(B)) by November 7, 2024. All designations of rebuttal experts shall be designated within 28 days of receipt of the report of the opposing expert.
7. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within 30 days of receipt of the written report of the expert's proposed testimony, or within 30 days of the expert's deposition, if a deposition is taken, whichever is later.
8. The parties shall complete all expert discovery on or before December 13, 2024.
9. All dispositive motions shall be filed no later than January 31, 2025. Dispositive motions as defined in Local Rule CV-7(c) and responses to dispositive motions as defined in Local Rule CV-7(d) shall be limited to twenty (20) pages in length. Replies, if any, shall be limited to ten (10) pages in length in accordance with Local Rule CV-7(e). **If the parties elect not to file dispositive motions, they must contact the courtroom deputy on or before this deadline in order to set a trial date.**
10. If required, a hearing on dispositive motions will be set by the Court after all responses and replies have been filed.
11. The Court will set this case for trial by separate order. The order will establish trial type deadlines to include pretrial matters pursuant to Local Rule CV-16(e)-(g).

12. All of the parties who have appeared in the action conferred concerning the contents of the proposed scheduling order on September 22, 2023, and the parties have agreed as to its contents.

Dated: September 22, 2023

/s/ Adam G. Price

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Dated: September 22, 2023

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CERTIFICATE OF SERVICE

The undersigned certifies that on September 22, 2023, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by a facsimile transmission or first-class mail.

/s/ Jeffrey L. Johnson
Jeffrey L. Johnson