

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

VOIP-PAL.COM, INC.

Plaintiff,

v.

AMAZON.COM, INC.;
AMAZON.COM SERVICES LLC; and
AMAZON WEB SERVICES, INC.,

Defendants.

CIVIL ACTION NO. 6:20-cv-272-ADA

JOINT MOTION FOR ENTRY OF FIRST AMENDED SCHEDULING ORDER

On June 12, 2023, the Court ordered the parties to work with the Court's law clerk to complete a proposed scheduling order. After meeting and conferring, the parties jointly submit the following proposed competing schedules for the remaining pretrial dates to be entered in this case:

<u>VoIP-Pal's Proposed Dates</u>	<u>Amazon's Proposed Dates</u>	<u>Event</u>
No stay ¹	Stay of the case until the resolution of the pending reexamination given that all asserted claims currently stand rejected and the parties do not know if any claims will survive, and if so, how	Stay of the case

¹ VoIP-Pal does not agree that it is appropriate for Amazon to seek a stay of the case by this filing. VoIP-Pal maintains that if Amazon wishes to seek a stay, then it should be required to file a separate motion.

<u>VoIP-Pal's Proposed Dates</u>	<u>Amazon's Proposed Dates</u>	<u>Event</u>
	such claims will be amended. ²	
August 1, 2023	6 weeks after the conclusion of the reexamination	Deadline to add parties
August 15, 2023	8 weeks after the conclusion of the reexamination	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
October 10, 2023	16 weeks after the conclusion of the reexamination	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
December 19, 2023	26 weeks after the conclusion of the reexamination	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
January 16, 2024	30 weeks after the conclusion of the	Close of Fact Discovery.

² In Reexamination Control No. 90/019,124, the United States Patent Office issued an Office Action on April 24, 2023, in which it found all asserted claims of the '606 patent invalid. VoIP-Pal was given two months to respond to that Office Action

<u>VoIP-Pal's Proposed Dates</u>	<u>Amazon's Proposed Dates</u>	<u>Event</u>
	reexamination	
January 23, 2024	31 weeks after the conclusion of the reexamination	Opening Expert Reports.
February 20, 2024	35 weeks after the conclusion of the reexamination	Rebuttal Expert Reports.
March 12, 2024	38 weeks after the conclusion of the reexamination	Close of Expert Discovery.
March 19, 2024	39 weeks after the conclusion of the reexamination	Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
March 26, 2024	40 weeks after the conclusion of the reexamination	Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
April 9, 2024	42 weeks after the conclusion of the reexamination	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
April 23, 2024	44 weeks after the conclusion of the reexamination	Serve objections to pretrial disclosures/rebuttal disclosures.

<u>VoIP-Pal's Proposed Dates</u>	<u>Amazon's Proposed Dates</u>	<u>Event</u>
April 30, 2024	45 weeks after the conclusion of the reexamination	Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .
May 7, 2024	46 weeks after the conclusion of the reexamination	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> .
May 14, 2024	47 weeks after the conclusion of the reexamination	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, Kristie Davis at kmdaviscsr@yahoo.com Deadline to file replies to motions <i>in limine</i> .
8 weeks before trial	8 weeks before trial	Parties jointly email the Court's law clerk (<i>See OGP at 1</i>) to confirm their pretrial conference and trial dates
May 16, 2024	3 business days before the Final Pretrial Conference	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
May 21, 2024	49 weeks after the conclusion of the reexamination (or as soon as practicable thereafter)	Final Pretrial Conference. Held in person unless otherwise requested.

<u>VoIP-Pal's Proposed Dates</u>	<u>Amazon's Proposed Dates</u>	<u>Event</u>
May 28, 2024 (or as soon as practicable) ³	52 weeks after the conclusion of the reexamination (or as soon as practicable thereafter)	Jury Selection/Trial

³ If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-Markman that are consistent with the Court's default deadlines in light of the actual trial date.

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.