

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

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| <p>GESTURE TECHNOLOGY PARTNERS,<br/>LLC,</p> <p>Plaintiff,</p> <p>v.</p> <p>APPLE INC.</p> <p>Defendant.</p>  | <p>Case No. 6:21-cv-00121-ADA</p> <p><b><u>JURY TRIAL DEMANDED</u></b></p>       |
| <p>GESTURE TECHNOLOGY PARTNERS,<br/>LLC,</p> <p>Plaintiff,</p> <p>v.</p> <p>LENOVO GROUP LTD., LENOVO<br/>(UNITED STATES) INC., and MOTOROLA<br/>MOBILITY LLC,</p> <p>Defendants.</p> | <p>Civil Case No. 6:21-cv-00122-ADA</p> <p><b><u>JURY TRIAL DEMANDED</u></b></p> |
| <p>GESTURE TECHNOLOGY PARTNERS,<br/>LLC,</p> <p>Plaintiff,</p> <p>v.</p> <p>LG ELECTRONICS INC., AND LG<br/>ELECTRONICS U.S.A., INC.,</p> <p>Defendants.</p>                          | <p>Civil Case No. 6:21-cv-00123-ADA</p> <p><b><u>JURY TRIAL DEMANDED</u></b></p> |

**[PROPOSED] AGREED SCHEDULING ORDER**

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court ORDERS that the following schedule will govern deadlines up to and including the trial of this matter:

| Date             | Item   |
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| July 16, 2021    | Plaintiff serves preliminary infringement <sup>1</sup> 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.   |
| July 23, 2021    | Case Management Conference deemed to occur   |
| August 6, 2021   | Parties submit an agreed Scheduling Order  |
| October 1, 2021  | Defendants serve 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. 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). |
| October 15, 2021 | Parties exchange claim terms for construction  |
| October 22, 2021 | Parties exchange proposed claim constructions  |
| November 5, 2021 | Parties disclose extrinsic evidence, including the identity of any expert witness they may rely upon in their opening brief with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. <sup>2</sup> 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.  |

<sup>1</sup> 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 patent claims requires leave of court so that the Court can address any scheduling issues.

<sup>2</sup> Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

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| <b>November 12, 2021</b>  | Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.   |
| <b>November 23, 2021</b>  | Plaintiff files opening claim construction brief   |
| <b>December 17, 2021</b>  | Defendant files responsive claim construction brief  |
| <b>January 7, 2022</b>    | Plaintiff files reply claim construction brief   |
| <b>January 21, 2022</b>   | Defendant files sur-reply claim construction brief   |
| <b>January 26, 2022</b>   | Parties submit Joint Claim Construction Statement  |
| <b>January 28, 2022</b>   | Parties submit optional technical tutorials to the Court and technical advisor (if appointed). <sup>3</sup>  |
| <b>February 4, 2022</b>   | <i>Markman</i> hearing at 9:00 a.m.  |
| <b>February 7, 2022</b>   | Fact discovery opens; deadline to serve Initial Disclosures per Rule 26(a)   |
| <b>March 18, 2022</b>     | Deadline to add parties.   |
| <b>April 1, 2022</b>      | 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.   |
| <b>May 27, 2022</b>       | Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims.  |
| <b>August 5, 2022</b>     | 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. |
| <b>September 2, 2022</b>  | Close of Fact Discovery.   |
| <b>September 16, 2022</b> | Opening Expert Reports.  |
| <b>October 21, 2022</b>   | Rebuttal Expert Reports.   |
| <b>November 11, 2022</b>  | Close of Expert Discovery.   |

<sup>3</sup> The parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

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| <b>November 18, 2022</b> | Deadline for the second of two meet and confers 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.             |
| <b>November 23, 2022</b> | Parties shall file a Joint Report regarding the results of the meet and confer.   |
| <b>December 9, 2022</b>  | Dispositive motion deadline and <i>Daubert</i> motion deadline.<br>See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).   |
| <b>December 22, 2022</b> | Serve Pretrial Disclosures (jury instructions, exhibit lists, witness lists, discovery and deposition designations).  |
| <b>January 13, 2023</b>  | Serve objections to pretrial disclosures/rebuttal disclosures.  |
| <b>January 27, 2023</b>  | Serve objections to rebuttal disclosures and file motions <i>in limine</i> .  |
| <b>February 10, 2023</b> | File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibit lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .   |
| <b>February 17, 2023</b> | 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 <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a> .<br><br>Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> . |
| <b>March 1, 2023</b>     | File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .   |
| <b>March 6, 2023</b>     | Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.  |
| <b>March 27, 2023</b>    | Estimated trial date (actual jury selection/trial date to be set at the conclusion of the <i>Markman</i> hearing)   |

ORDERED this \_\_\_\_ day of August, 2021.

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THE HONORABLE ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE