

# EXHIBIT 1

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

|               |   |                                   |
|---------------|---|-----------------------------------|
| RFCYBER CORP, | § | Case No. 6:21-cv-00916-ADA        |
|               | § |                                   |
| Plaintiff,    | § | <b><u>JURY TRIAL DEMANDED</u></b> |
|               | § |                                   |
| v.            | § |                                   |
|               | § |                                   |
| APPLE INC.,   | § |                                   |
|               | § |                                   |
| Defendant.    | § |                                   |
|               | § |                                   |

**AMENDED SCHEDULING ORDER**

Pursuant to the Court's ruling at the January 20, 2023 discovery hearing, the Court ORDERS that the following schedule will govern deadlines up to and including the trial of this matter:

| Current Deadline  | Amended Deadline | Event   |
|-------------------|------------------|---|
| January 17, 2023  | March 20, 2023   | Close of Fact Discovery   |
| January 24 , 2023 | March 27, 2023   | Opening Expert Reports.   |
| February 21, 2023 | April 24, 2023   | Rebuttal Expert Reports.  |
| March 14, 2023    | May 15, 2023     | Close of Expert Discovery.  |
| March 21, 2023    | May 22, 2023     | 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. |
| March 28, 2023    | May 30, 2023     | Dispositive motion deadline and Daubert motion deadline.  |

| Current Deadline           | Amended Deadline              | Event   |
|----------------------------|-------------------------------|---|
|                            |                               | See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).  |
| April 11, 2023             | June 12, 2023                 | Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).   |
| April 25, 2023             | June 26, 2023                 | Serve objections to pretrial disclosures/rebuttal disclosures.  |
| May 2, 2023                | July 3, 2023                  | Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .   |
| May 9, 2023                | July 10, 2023                 | 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 16, 2023               | July 17, 2023                 | 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> . |
| April 25, 2023             | June 26, 2023                 | Parties email the Court's law clerk to confirm pretrial and trial dates.  |
| May 24, 2023               | July 24, 2023                 | File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .   |
| May 30, 2023               | July 31, 2023<br>[proposed]   | Final Pretrial Conference.  |
| June 20, 2023 <sup>1</sup> | August 21, 2023<br>[proposed] | Jury Selection/Trial.   |

SIGNED this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> 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.