

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

Advanced Silicon Technologies LLC,

Plaintiff,

v.

NXP Semiconductors N.V.,  
NXP B.V., and  
NXP USA, Inc.,

Defendants.

Case No. 6:22-cv-00466-ADA-DTG

**Jury Trial Demanded**

**SCHEDULING ORDER**

In view of the Court's Standing Order Governing Proceedings (OGP) 4.1—Patent Cases and Fed. R. Civ. P. 16, the Court **ORDERS** that the following schedule will govern deadlines through the trial of this action:

Deadline	Item
September 12, 2022	Deadline to file a motion for inter-district transfer. After this deadline, movants must seek leave of Court and show good cause for delay.
October 11, 2022	Defendants serve preliminary <sup>1</sup> 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 Defendants contend are indefinite or lack written description under section 112, and (3) an identification of any claims Defendants contend are directed to ineligible subject matter under section 101. Defendants shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).

<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

Deadline	Item
October 24, 2022	Parties exchange claim terms for construction.
November 7, 2022	Parties exchange proposed claim constructions.
November 14, 2022	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 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.
November 21, 2022	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
November 28, 2022	Defendants file Opening claim construction brief, including any arguments that any claim terms are indefinite.
December 19, 2022	Plaintiff files Responsive claim construction brief.
January 9, 2023	Defendants file Reply claim construction brief.
January 9, 2023	Parties to jointly email the law clerks ( <i>see</i> OGP at 1) to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution.
January 23, 2023	Plaintiff files a Sur-Reply claim construction brief.

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.

Deadline	Item
January 24, 2023	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy.  <i>See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).</i>
January 24, 2023	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).
January 30, 2023	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.
January 31, 2023	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
March 13, 2023	Deadline to add parties.
March 27, 2023	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.
May 22, 2023	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.)
July 31, 2023	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.
August 28, 2023	Close of Fact Discovery.
September 11, 2023	Opening Expert Reports.

Deadline	Item
October 9, 2023	Rebuttal Expert Reports.
October 23, 2023	Close of Expert Discovery.
October 30, 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.
November 6, 2023	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 advisor (if appointed).
November 20, 2023	File oppositions to dispositive and <i>Daubert</i> motions.
November 20, 2023	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
November 27, 2023	File replies in support of dispositive and <i>Daubert</i> motions.
December 4, 2023	Serve objections to pretrial disclosures/rebuttal disclosures.
December 4, 2023	Parties to jointly email the Court's law clerk ( <i>see</i> OGP at 1) to confirm their pretrial conference and trial dates.
December 11, 2023	Serve objections to rebuttal disclosures; file motions <i>in limine</i> .
December 18, 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> .

Deadline	Item
December 29, 2023	<p>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>.</p> <p>Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i>.</p>
January 5, 2023	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
January 8, 2024	Final Pretrial Conference. Held in person unless otherwise requested.
January 29, 2024 <sup>3</sup>	Jury Selection/Trial.

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<sup>3</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.