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

MYPAQ HOLDINGS LTD., Plaintiff, v. SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC., SAMSUNG SEMICONDUCTOR, INC., and SAMSUNG AUSTIN SEMICONDUCTOR, LLC, Defendants.	CIVIL ACTION NO. 6:21-CV-398-ADA JURY TRIAL DEMANDED
MYPAQ HOLDINGS LTD., Plaintiff, v. DELL TECHNOLOGIES, INC. and DELL INC. Defendants.	CIVIL ACTION NO. 6:21-CV-933-ADA JURY TRIAL DEMANDED

SCHEDULING ORDER

Pursuant to the Court's Amended Standing Order Regarding Notice of Readiness for Patent Cases (Dkt. 10, 6:21-cv-398-ADA), the parties' deemed Case Management Conference ("CMC") in Case No. 6:21-cv-398-ADA occurred on November 10, 2021 and will occur on December 6, 2021 in Case No. 6:21-cv-933-ADA. Pursuant to Federal Rule of Civil Procedure 16, the Court **ORDERS** that the following schedule will govern deadlines up to and including the trials of these matters:

Date	Event
November 3, 2021	Plaintiff serves preliminary[1] infringement contentions on the Samsung Defendants in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) is found. Plaintiff shall also identify the earliest priority date (*i.e.* 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.
November 24, 2021	The Parties shall submit an agreed Scheduling Order.
November 29, 2021	Plaintiff serves preliminary infringement contentions on the Dell Defendants in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) is found. Plaintiff shall also identify the earliest priority date (*i.e.* 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.
January 12, 2021	Defendants serve preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references to each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendants contend are indefinite or lack written description under section 112, and (3) an identification of any claims the 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).[2]
January 26, 2022	Parties exchange claim terms for construction.

[1] 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.

[2] To the extent it may promote early resolution, the Court encourages the parties to exchange license and sales information, but any such exchange is optional during the pre-*Markman* phase of the case.

Date	Event
February 9, 2022	Parties exchange proposed claim constructions.
February 16, 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.[3] 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.
February 23, 2022	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
March 2, 2022	Defendants file Opening claim construction brief, including any arguments that any claim terms are indefinite.
March 23, 2022	Plaintiff files Responsive claim construction brief.
April 6, 2022	Defendants file Reply claim construction brief.
April 20, 2022	Plaintiff files a Sur-Reply claim construction brief.
April 22, 2022	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).[4]
April 25, 2022	Parties submit Joint Claim Construction Statement. *See* General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).

[3] Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

[4] 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.

Date	Event
May 4, 2022	*Markman* Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the *Markman* hearing approaches.
May 5, 2022	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
June 15, 2022	Deadline to add parties.
June 29, 2022	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.
August 24, 2022	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.)
November 2, 2022	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.
November 30, 2022	Close of Fact Discovery.
December 7, 2022	Opening Expert Reports.
January 11, 2023	Rebuttal Expert Reports.
January 25, 2023	Close of Expert Discovery.

Date	Event
February 1, 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.
February 8, 2023	Dispositive motion deadline and *Daubert* motion deadline. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
February 22, 2023	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery, and deposition designations).
March 8, 2023	Serve objections to pretrial disclosures/rebuttal disclosures.
March 15, 2023	Serve objections to rebuttal disclosures; file Motions *in limine*.
March 22, 2023	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery, and deposition designations); file oppositions to motions *in limine*.
March 29, 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 kmdaviscsr@yahoo.com. Deadline to meet and confer regarding remaining objections and disputes on motions *in limine*.
March 8, 2023	Parties email the Court's law clerk to confirm pretrial and trial dates.

Date	Event
April 7, 2023	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions *in limine*.
April 12, 2023	Final Pretrial Conference.
May 3, 2023	Jury Selection/Trial.

SIGNED this 29th day of November, 2021.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

AGREED:

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