

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

WEBROOT, INC., OPEN TEXT INC.,	§	
<i>Plaintiffs,</i>	§	
v.	§	
AO KASPERSKY LAB,	§	W-22-CV-00243-ADA-DTG
TREND MICRO, INC.,	§	W-22-CV-00239-ADA-DTG
SOPHOS LTD.,	§	W-22-CV-00240-ADA-DTG
CROWDSTRIKE HOLDINGS, INC.,	§	W-22-CV-00241-ADA-DTG
FORCEPOINT, LLC,	§	W-22-CV-00342-ADA-DTG

SCHEDULING ORDER

The Court, having considered the Parties' Motions for Scheduling Order in the above-captioned (and now consolidated) cases, **HEREBY ORDERS** that the Motion should be **GRANTED** with the below modifications.

Accordingly, it is **ORDERED** that the following schedule will govern deadlines up to and including the trial of this matter:

Item	<i>Webroot, Inc. et al. v. AO Kaspersky, Lab, 6:22-cv-00243-ADA-DTG</i>	<i>Webroot, Inc. et al. v. CrowdStrike Holdings, Inc. et al., 6:22-cv-00241-ADA-DTG</i>	<i>Webroot, Inc. et al. v. Forcepoint, LLC, 6:22-cv-00342-ADA-DTG</i>	<i>Webroot, Inc. et al. v. Sophos Ltd., 6:22-cv-00240-ADA-DTG</i>	<i>Webroot, Inc. et al. v. Trend Micro, Inc., 6:22-cv-00239-ADA-DTG</i>
Plaintiffs and Counter-Plaintiffs Kaspersky and Trend Micro serve preliminary	Webroot: Tuesday July 12, 2022	Webroot: Tuesday July 12, 2022	Webroot: Tuesday July 12, 2022	Webroot: Tuesday July 12, 2022	Webroot: Tuesday July 12, 2022

infringement contentions ¹ in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiffs and Counter-Plaintiffs Kaspersky and Trend Micro 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.	Kaspersky: Same	CrowdStrike: Same	Forcepoint: Same	Sophos: Same	Trend Micro: Same
Case Management Conference Deemed to occur	Webroot: Tuesday July 19, 2022 Kaspersky: Same	Webroot: Tuesday July 19, 2022 CrowdStrike: Same	Webroot: Tuesday July 19, 2022 Forcepoint: Same	Webroot: Tuesday July 19, 2022 Sophos: Same	Webroot: Tuesday July 19, 2022 Trend Micro: Same
Deadline to file motion for inter-district transfer. After this deadline, movants must seek leave of Court and show good cause for delay	November 16, 2022	November 16, 2022	November 16, 2022	November 16, 2022	November 16, 2022
Defendant serves preliminary invalidity contentions with	Webroot: Tuesday September 13,	Webroot: Tuesday September	Webroot: Tuesday September	Webroot: Tuesday September	Webroot: Tuesday September

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.

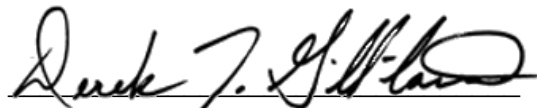
respect to patents originally asserted by Plaintiffs in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, 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, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).	2022	13, 2022	13, 2022	13, 2022	13, 2022
Parties exchange claim terms for construction for patents asserted by Plaintiffs.	Webroot: Tuesday September 20, 2022 Kaspersky: Same	Webroot: Tuesday September 20, 2022 CrowdStrike: Same	Webroot: Tuesday September 20, 2022 Forcepoint: Same	Webroot: Tuesday September 20, 2022 Sophos: Same	Webroot: Tuesday September 20, 2022 Trend Micro: Same
Parties exchange proposed claim constructions for patents asserted by Plaintiffs.	Webroot: Tuesday October 4, 2022 Kaspersky: Same	Webroot: Tuesday October 4, 2022 CrowdStrike: Same	Webroot: Tuesday October 4, 2022 Forcepoint: Same	Webroot: Tuesday October 4, 2022 Sophos: Same	Webroot: Tuesday October 4, 2022 Trend Micro: Same

Counterclaim- Plaintiffs serve preliminary infringement contentions with respect to patents added by Counterclaim in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Counterclaim-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.	Friday October 7, 2022	Friday October 7, 2022	Friday October 7, 2022	Friday October 7, 2022	Friday October 7, 2022
Parties disclose extrinsic evidence for patents originally asserted by Plaintiffs. 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. With respect to items of extrinsic evidence, the	Webroot: Tuesday October 11, 2022 Kaspersky: Same	Webroot: Tuesday October 11, 2022 CrowdStrike: Same	Webroot: Tuesday October 11, 2022 Forcepoint: Same	Webroot: Tuesday October 11, 2022 Sophos: Same	Webroot: Tuesday October 11, 2022 Trend Micro: Same

parties shall identify each such item by production number or produce a copy of any such item if not previously produced.					
Plaintiff serves preliminary infringement contentions with respect to patents Plaintiffs added by amendment in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiffs 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.	Webroot: Tuesday October 25, 2022 Kaspersky: Same	Webroot: Tuesday October 25, 2022 CrowdStrike: Same	Webroot: Tuesday October 25, 2022 Forcepoint: Same	Webroot: Tuesday October 25, 2022 Sophos: Same	Webroot: Tuesday October 25, 2022 Trend Micro: Same
Counterclaim 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 Counterclaim Defendants contend are indefinite or lack written description under section 112, and	Webroot: Tuesday, September 13, 2022 Kaspersky: Same	Webroot: Wednesday, November 23, 2022 CrowdStrike: Same	Webroot: Wednesday, November 23, 2022 Forcepoint: Same	Webroot: Wednesday, November 23, 2022 Sophos: Same	Webroot: Wednesday, November 23, 2022

the Court and email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .					
Deadline to File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .	Friday, March 15, 2024	Friday, March 15, 2024	Friday, March 15, 2024	Friday, March 15, 2024	Friday, March 15, 2024
Final Pretrial Conference. Held in person unless otherwise requested.	Webroot: Tuesday March 26, 2024 Kaspersky: Same	Webroot: Tuesday March 26, 2024	Webroot: Tuesday March 26, 2024	Webroot: Tuesday March 26, 2024	Webroot: Tuesday March 26, 2024
Jury Selection/Trial.	Webroot: Monday April 15, 2024 Kaspersky: Same	Webroot: Monday April 15, 2024	Webroot: Monday April 15, 2024	Webroot: Monday April 15, 2024	Webroot: Monday April 15, 2024

So ORDERED this 28th day of September, 2022.



DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE