

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

CloudfChange, LLC,

Plaintiff,

v.

Clover Network, Inc.,

Defendant.

Case No. 6:22-CV-00634-ADA

JURY TRIAL DEMANDED

JOINT MOTION TO AMEND SCHEDULING ORDER

Pursuant to the Court's Standing Order Regarding Motions for Extension of Time (December 5, 2022), the Court's Standing Order Governing Proceedings (OGP) 4.2 – Patent Cases, and the Agreed Scheduling Order (Dkt. 17), Plaintiff CloudfChange, LLC ("Plaintiff") and Defendant Clover Network, LLC ("Defendant") (collectively, "the Parties") request that the Court amend the scheduling order in view of the *Markman* exchanges.¹

The Court has scheduled a *Markman* Hearing on April 10, 2023 at 9:00 A.M. CST. Dkt. 17, p. 3. The Parties agree that there is no longer a need for the *Markman* Hearing to take place because, after Defendant identified claim terms to construe, Plaintiff dropped all the dependent claims containing the terms for which Defendant sought construction. That is, there are no claim terms remaining that require the Court's construction.

The changes to the Agreed Scheduling Order are as follows (all other dates remain unchanged):

¹ Defendant's venue motion is pending and the Parties are engaged in venue discovery at this time. The parties therefore request that the April 11, 2023 date for fact discovery opening remain unchanged at this time, subject to later adjustment based on the status of the pending venue motion. See Dkt. 17, p. 3.

Current Date	New Date	Event
January 27, 2023	Cancelled	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
February 3, 2023	Cancelled	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
February 24, 2023	Cancelled	Plaintiff files Responsive claim construction brief.
March 10, 2023	Cancelled	Defendant files Reply claim construction brief.
March 10, 2023	Cancelled	Parties to jointly email the law clerks (see OGP at 1) to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution.
March 24, 2023	Cancelled	Plaintiff files Sur-Reply claim construction brief.
March 27, 2023	Cancelled	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>
March 31, 2023	Cancelled	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).
April 10, 2023	Cancelled	<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.

The Parties request that the Court enter the attached First Amended Scheduling Order reflecting these changes.

Dated: February 2, 2023

Respectfully submitted,

By: /s/ J. Stephen Ravel (with permission)

/s/ John A. Yates

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on counsel of record on February 2, 2023.

/s/ John A. Yates
John A. Yates