

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TOPIA TECHNOLOGY, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 21-1821-CJB
	)	
EGNYTE, INC.,	)	
	)	
Defendant.	)	

SECOND AMENDED SCHEDULING ORDER

WHEREAS, the parties having submitted a proposed modified case schedule on February 14, 2024 (D.I. 229), the Court having reviewed the parties' respective proposals and for good cause shown,

IT IS on this 16th day of February 2024, ORDERED that the following corresponding deadlines in the Amended Scheduling Order dated August 11, 2023 (D.I. 119) are amended as set forth herein, with that Amended Scheduling Order remaining in full force and effect except as modified herein:

1. **Disclosures (§ 6):**

- a. By June 14, 2024, Plaintiff shall provide its supplementation to its final infringement contentions.
- b. By June 14, 2024, Defendant shall provide its final invalidity contentions.

2. **Discovery (§ 7):**

- a. Deadline to Complete Timely Noticed Depositions. All timely noticed depositions in this case shall be completed on or before May 15, 2024.

b. Disclosure of Expert Testimony.

- i. Expert Reports. For the party who has the initial burden of proof on the subject matter, all supplementations to its Federal Rule 26(a)(2) disclosure of expert testimony is due on or before June 14, 2024. Rebuttal expert reports to contradict or rebut evidence on the same matter identified by another party is due on or before July 15, 2024. Reply expert reports from the party with the initial burden of proof are due on or before August 16, 2024. Expert depositions shall be completed by September 20, 2024.

3. **Case Dispositive Motions (§ 17):**

- a. All case dispositive motions, an opening brief, and affidavits, if any, in support of the motion shall be served and filed on or before October 15, 2024.
- b. Answering Briefs shall be filed by November 15, 2024.
- c. Reply Briefs shall be filed by December 13, 2024.
- d. Hearing. The Court will hear argument on all pending case dispositive and Daubert motions on January 8, 2025, beginning at 11:00 a.m..

4. **Pretrial Conference (D.I. 24 § 19).** The pretrial conference is rescheduled to April 17, 2025, beginning at 1:30 p.m.. The parties shall file the joint proposed final pretrial by March 25, 2025.

5. **Trial (D.I. 24 § 22).** This matter is rescheduled for a 5-day jury trial beginning at 9:30 a.m. on April 28, 2025, with the subsequent trial days beginning at 9:00 a.m.. Until the case is submitted to the jury for deliberations, the jury will be excused each day at 4:30 p.m.. The trial will be timed, as counsel will be allocated a total number of hours in which to present their respective cases.

Dated: February 20, 2024

A handwritten signature in black ink, reading "Christopher J. Burke". The signature is written in a cursive, flowing style.

Christopher J. Burke
UNITED STATES MAGISTRATE JUDGE