

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

Corrigent Corporation

Plaintiff,

v.

Cisco Systems, Inc.

Defendant.

Civil Action No. 6:22-cv-00396-ADA

**JURY TRIAL DEMANDED**

**SCHEDULING ORDER**

Pursuant to FED. R. CIV. P. 16, the Court **ORDERS** that the following schedule will govern all remaining deadlines up to and including trial of this matter:

| <b>Deadline</b>    | <b>Event</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| September 14, 2022 | Deadline for Motions to Transfer (Per D.I. 29 and further agreement between the parties)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| September 28, 2022 | The defendant shall serve preliminary invalidity contentions <sup>1</sup> 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 § 112, and (3) an identification of any claims the defendant contends are directed to ineligible subject matter under § 101. The § 101 contention shall (1) identify the alleged abstract idea, law of nature, and/or natural phenomenon in each challenged claim; (2) identify each claim element alleged to be well-understood, routine, and/or conventional; and (3) to the extent not duplicative of §§ 102/103 prior art contentions, prior art for the contention that claim elements are well-understood, routine, and/or conventional. The 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 |

<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 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.

| Deadline                                       | Event                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                | the accused product(s).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| October 5, 2022                                | Parties exchange claim terms for construction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| October 19, 2022                               | Parties exchange proposed claim constructions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| October 26, 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. 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 2, 2022                               | Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.                                                                                                                                                                                                                                                                                                                                                                                                                 |
| November 9, 2022                               | Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.                                                                                                                                                                                                                                                                                                                                                                                                           |
| November 30, 2022                              | Plaintiff files Responsive claim construction brief.                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| December 14, 2022                              | Defendant files Reply claim construction brief.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| December 14, 2022                              | 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.                                                                                                                                                                                                                                                                                                                                   |
| December 28, 2022                              | Plaintiff files a Sur-Reply claim construction brief.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| December 30, 2022                              | Parties submit Joint Claim Construction Statement and email the law clerks an editable copy.<br><br><i>See</i> General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).                                                                                                                                                                                                                                                                                  |
| 23 weeks after CMC (or as soon as practicable) | <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.                                                                                                                                                                                                                                                                                                                                                                              |
| 1 business day after <i>Markman</i> hearing    | Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 6 weeks after <i>Markman</i> hearing           | Deadline to add parties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 16 weeks after <i>Markman</i> hearing          | 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.)                                                                                                                                                                                                                                                                                                                                                |
| 26 weeks after <i>Markman</i> hearing          | 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.                                                                                                                                                                                                 |
| 28 weeks after <i>Markman</i> hearing          | Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior                                                                                                                                                                                                                                                                                                                                                                                                |

| Deadline                              | Event                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                                       | 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.                                                                                                                                                                                                                                                 |
| 30 weeks after <i>Markman</i> hearing | Close of Fact Discovery.                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 31 weeks after <i>Markman</i> hearing | Opening Expert Reports.                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 35 weeks after <i>Markman</i> hearing | Rebuttal Expert Reports.                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 36 weeks after <i>Markman</i> hearing | Reply Expert Reports.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 38 weeks after <i>Markman</i> hearing | Close of Expert Discovery.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 39 weeks after <i>Markman</i> hearing | 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. If 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. |
| 40 weeks after <i>Markman</i> hearing | Dispositive motion deadline and <i>Daubert</i> motion deadline.<br><br><i>See</i> General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).                                                                                                                                                                                                                                       |
| 42 weeks after <i>Markman</i> hearing | Responsive Dispositive and <i>Daubert</i> briefs                                                                                                                                                                                                                                                                                                                                                                                                 |
| 42 weeks after <i>Markman</i> hearing | Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).                                                                                                                                                                                                                                                                                                                            |
| 43 weeks after <i>Markman</i> hearing | Reply Dispositive and <i>Daubert</i> briefs                                                                                                                                                                                                                                                                                                                                                                                                      |
| 44 weeks after <i>Markman</i> hearing | Serve objections to pretrial disclosures/rebuttal disclosures.                                                                                                                                                                                                                                                                                                                                                                                   |
| 8 weeks before trial                  | Parties to jointly email the Court's law clerk ( <i>See</i> OGP at 1) to confirm their pretrial conference and trial dates.                                                                                                                                                                                                                                                                                                                      |
| 45 weeks after <i>Markman</i> hearing | Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .                                                                                                                                                                                                                                                                                                                                                                     |
| 46 weeks after <i>Markman</i> hearing | 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> .                                                                                                                                                                                                                                                     |
| 47 weeks after <i>Markman</i> hearing | 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 email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com                                                                                                                                    |

| Deadline                                                          | Event                                                                                                                 |
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|                                                                   | Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .                 |
| 3 business days before Final Pretrial Conference.                 | File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> . |
| 49 weeks after <i>Markman</i> hearing (or as soon as practicable) | Final Pretrial Conference. Held in person unless otherwise requested.                                                 |
| 52 weeks after <i>Markman</i> hearing (or as soon as practicable) | Jury Selection/Trial.                                                                                                 |

So Ordered this 12th day of August, 2022

  
 ALAN D. ALBRIGHT  
 UNITED STATES DISTRICT JUDGE