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

WEBROOT, INC., OPEN TEXT INC.,	**§**	
	§	
Plaintiffs,	**§**	
	§	
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**

ORDER GRANTING THIRD AMENDED SCHEDULING ORDER

The Court, having considered the Parties' Joint Motion to Enter Disputed Amended Scheduling Order (ECF No. 136), hereby ORDERS the following third amended schedule as follows:

Item	**Current Amended Schedule Date (ECF 50)**	**New Third Amended Schedule Dates**
Plaintiffs and Defendant Kaspersky[1] file a Sur- Reply claim construction brief with respect to claim terms in patents asserted by Plaintiffs and Counterclaim patents asserted by Defendant Kaspersky.	December 23, 2023	Friday, January 6, 2023
Defendants serve preliminary invalidity contentions with respect to patents Plaintiffs added by amendment in the form of (1) a	December 20, 2023	Tuesday, February 21, 2023

[1] Plaintiff and Defendant AO Kaspersky Lab, Cause No. W-22-CV-00243-ADA-DTG, shall be referred to as the "First Parties" or "First Defendant." All other cause numbers and parties will be referred to as "Other Parties" or "Other Defendants," and if an item relates only to a specific cause number, that case will be identified by cause number.

IPR2023-00528
Open Text Inc. EX-2003

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) (includes Trend Micro '098 Patent).		
Other Parties exchange proposed claim constructions with respect to patents asserted by counterclaim.[2]	December 14, 2022	Wednesday, February 1, 2023
First Parties jointly email the law clerks[3] to confirm the *Markman* date and to notify if any venue or jurisdictional motions remain unripe for resolution with respect to claim terms in patents asserted by Plaintiffs and Counterclaim Patents asserted by Defendant Kaspersky.	December 14, 2023	Tuesday February 7, 2023
Other Parties disclose extrinsic evidence for patents asserted by counterclaim. 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.	December 21, 2022	Wednesday, February 8, 2023

[2] All dates that were in red pertained to the second scheduled Markman hearing. These dates are not applicable to the counterclaim patents asserted by Defendant Kaspersky because those patents are being addressed along with Plaintiffs' originally asserted patents.

[3] TXWDml_NoJudge_Chambers_WA_JudgeGilliland@txwd.uscourts.gov

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.		
Deadline for Other Parties to meet and confer to narrow terms in dispute and exchange revised lists of terms/constructions with respect to patents asserted by counterclaim.	December 28, 2023	Wednesday, February 15, 2023
First Parties submit Joint Claim Construction Statement and email the law clerks[4] an editable copy with respect to claim terms in patents asserted by Plaintiffs and Counterclaim Patents asserted by Defendant Kaspersky	December 27, 2022	Monday February 20, 2023
Plaintiffs file Opening claim construction brief, including any arguments that any claim terms are indefinite with respect to patents asserted by counterclaim.	January 4, 2023	Wednesday, February 22, 2023
First Parties submit optional technical tutorials to the Court and technical advisor (if appointed) with respect to claim terms in patents asserted by Plaintiffs and Counterclaim patents asserted by Defendant Kaspersky.	January 4, 2023	Wednesday February 22, 2023
Other Parties exchange claim terms for construction for patents Plaintiffs added by amendment (includes Trend Micro '098 Patent).	January 18, 2023	Tuesday, March 7, 2023
Markman Hearing at 9:00 a.m for First Parties with respect to patents asserted by Plaintiffs and Counterclaim patents asserted by Defendant Kaspersky.	**January 11, 2023**	**Tuesday, March 7, 2023**

[4] TXWDml_NoJudge_Chambers_WA_JudgeGilliland@txwd.uscourts.gov

Other Defendants file Responsive claim construction brief with respect to patents asserted by counterclaim.	January 25, 2023	Wednesday, March 15, 2023
Other Parties exchange proposed claim constructions for patents Plaintiffs added by amendment (includes Trend Micro '098 Patent)	January 18, 2023	Tuesday, March 21, 2023
Other Parties disclose extrinsic evidence for patents Plaintiffs added by amendment. 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 (includes Trend Micro '098 Patent).	January 25, 2023	Wednesday March 29, 2023
Plaintiffs file Reply claim construction brief with respect to patents asserted by counterclaim.	February 8, 2023	Wednesday March 29, 2023
Other Parties to jointly email the law clerks[5] to confirm their *Markman* date with respect to patents asserted by Counterclaim, and to notify if any venue or jurisdictional motions remain unripe for resolution with respect to claim terms in patents asserted by counterclaim.	February 8, 2023	Wednesday, March 29, 2023

[5] TXWDml_NoJudge_Chambers_WA_JudgeGilliland@txwd.uscourts.gov

Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions for patents Plaintiffs added by amendment (includes Trend Micro '098 Patent).	February 1, 2023	Tuesday, April 4, 2023
Other Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite, with respect to identified claim terms in patents Plaintiffs added by amendment (includes Trend Micro '098 Patent).	February 8, 2023	Wednesday April 12, 2023
Other Defendants file a Sur-Reply claim construction brief with respect to patents asserted by counterclaim.	February 22, 2023	Wednesday, April 12, 2023
Parties submit Joint Claim Construction Statement with respect to patents asserted by counterclaim and email the law clerks an editable copy. Parties shall further contact the law clerks by email to determine whether paper copies are desired by Chambers and to obtain link to upload briefs, exhibits, and the optional technology tutorial.	February 27, 2023	Monday April 17, 2023
Parties submit optional technical tutorials to the Court and technical advisory (if appointed) with respect to patents asserted by Counterclaim.	February 28, 2023	Friday April 15, 2023
***Markman* Hearing at 9:00 a.m. with respect to patents asserted by Counterclaim.**	**March 8, 2023**	**Wednesday May 3, 2023 at 9:00 a.m.**
Plaintiffs file Responsive claim construction brief, with respect to claim terms in patents Plaintiffs added by amendment (includes Trend Micro '098 Patent).	March 1, 2023	Wednesday May 3, 2023
Other Defendants file Reply claim construction brief with respect to	March 15, 2023	Wednesday May 17, 2023

claim terms in patents Plaintiffs added by amendment (includes Trend Micro '098 Patent).		
Other Parties to jointly email the law clerks[6] to confirm their *Markman* date and to notify if any venue or jurisdictional motions remain unripe for resolution with respect to claim terms in patents Plaintiffs added by amendment (includes Trend Micro '098 Patent).	March 15, 2023	Wednesday May 17, 2023
Plaintiffs file a Sur- Reply claim construction brief with respect to claim terms in patents Plaintiffs added by amendment (includes Trend Micro '098 Patent).	March 29, 2023	Wednesday May 31, 2023
Other Parties submit Joint Claim Construction Statement and email the law clerks an editable copy with respect to claim terms in patents Plaintiffs added by amendment (includes Trend Micro '098 Patent).	April 3, 2023	Friday, June 2, 2023
Other Parties submit optional technical tutorials to the Court and technical advisor (if appointed) with respect to claim terms in patents Plaintiffs added by amendment (includes Trend Micro '098 Patent).	April 5, 2023	Friday, June 2, 2023
***Markman* Hearing at 9:00 a.m. on patents Plaintiffs added by amendment (includes Trend Micro '098 Patent).**	**April 17, 2023**	Friday, June 2, 2023
All Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).	April 18, 2023	Tuesday, April 18, 2023
Deadline to add parties.[7]	May 29, 2023	Tuesday,

[6] TXWDml_NoJudge_Chambers_WA_JudgeGilliland@txwd.uscourts.gov

[7] The Party moving to add additional parties shall send a copy of this scheduling order to the added parties and ensure that they are aware of all remaining court deadlines.

		April 18, 2023
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.	June 12, 2023	Tuesday, October 17, 2023
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.)	August 7, 2023	Tuesday, December 12, 2023
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.	October 16, 2023	Monday December 11, 2023
Close of Fact Discovery.	November 13, 2023	Thursday, January 18, 2024
Deadline to serve Opening Expert Reports.	November 20, 2023	Tuesday, January 30, 2024
Deadline to serve Rebuttal Expert Reports.	December 18, 2024	Tuesday, March 12, 2024
Close of Expert Discovery.	January 9, 2024	Tuesday March 12, 2024
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	January 16, 2024	Tuesday March 12, 2024

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.		
Dispositive motion deadline and *Daubert* motion deadline. Parties shall further contact the law clerks by email to determine whether paper copies are desired by Chambers and to obtain link to upload briefs, exhibits, and the optional technology tutorial..	January 23, 2024	Tuesday, May 7, 2024
Deadline to Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).	February 6, 2024	Tuesday June 4, 2024
Deadline to Serve objections to pretrial disclosures/rebuttal disclosures.	February 20, 2024	Tuesday June 18, 2024
Parties to jointly email the Court's law clerk (See OGP at 1) to confirm their pretrial conference and trial dates.	February 20, 2024	Tuesday June 25, 2024
Deadline to Serve objections to rebuttal disclosures; file Motions *in limine*.	February 27, 2024	Tuesday June 25, 2024
Deadline to File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions *in limine*.	March 5, 2024	Thursday, July 11, 2024
Deadline to File Notice of Request for Daily Transcript or Real Time	March 12, 2024	Notice of Daily

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 to meet and confer regarding remaining objections and disputes on motions *in limine*.		Transcript: Friday, July 12, 2024 Meet and confer on remaining objections: Thursday, July 18, 2024
Deadline to File joint notice identifying remaining objections to pretrial disclosures and disputes on motions *in limine*.	March 15, 2024	Thursday, July 25, 2024
Final Pretrial Conference. Held in person unless otherwise requested.	March 26, 2024	Thursday, August 1, 2024
Jury Selection/Trial.	**April 15, 2024**	**Monday, August 19, 2024**

SIGNED this 27th day of December, 2022.

DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE