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

SPEIR TECHNOLOGIES LTD., Plaintiff, v. APPLE INC., Defendant.	Case No. 6:22-cv-00077-ADA **JURY TRIAL DEMANDED**

SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court ORDERS that the following schedule will govern deadlines up to and including the trial of this matter:

Deadline	Item
April 19, 2022	Plaintiff serves preliminary[1] infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. 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.
April 26, 2022	Case Management Conference

[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.

Deadline	Item
May 10, 2022	The Parties shall file a motion to enter an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of each Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
June 14, 2022	Defendant serves 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 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).
June 28, 2022	Parties exchange claim terms for construction.
July 12, 2022	Parties exchange proposed claim constructions.
July 19, 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.[2] 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.
July 26, 2022	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
August 2, 2022	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.

[2] Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

Deadline	Item
August 23, 2022	Plaintiff files Responsive claim construction brief.
September 6, 2022	Defendant files Reply claim construction brief.
September 6, 2022	Parties to jointly email the law clerks (*see* OGP at 1) to confirm their *Markman* date and to notify if any venue or jurisdictional motions remain unripe for resolution.
September 20, 2022	Plaintiff files a Sur-Reply claim construction brief.
September 23, 2022	Parties submit Joint Claim Construction Statement. *See* General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
September 23, 2022	Parties submit optional technical tutorials to the Court and technical advisor (if appointed).
October 4, 2022[3]	Markman Hearing, 9:00 a.m.
October 5, 2022	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
November 15, 2022	Deadline to add parties.
November 29, 2022	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.
January 24, 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.)

[3] All deadlines hereafter follow the original *Markman* hearing date and do not change if the Court delays the *Markman* hearing.

Deadline	**Item**
April 4, 2023	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and the prior art references at issues. 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.
May 2, 2023	Close of Fact Discovery.
May 9, 2023	Opening Expert Reports.
June 6, 2023	Rebuttal Expert Reports.
June 27, 2023	Close of Expert Discovery.
July 5, 2023	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. To the extent 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.
July 11, 2023	Dispositive motion deadline and *Daubert* motion deadline. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
July 25, 2023	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
August 8, 2023	Serve objections to pretrial disclosures/rebuttal disclosures.
August 8, 2023	Parties to jointly email the Court's law clerk (*See* OGP at 1) to confirm their pretrial conference and trial dates.
August 15, 2023	Serve objections to rebuttal disclosures and file Motions *in limine*.

Deadline	Item
August 22, 2023	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions *in limine*
August 29, 2023	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 e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com. Deadline to meet and confer regarding remaining objections and disputes on motions *in limine*.
August 8, 2023	Parties to jointly email the Court's law clerk (*See* OGP at 1) to confirm their pretrial conference and trial dates.
September 7, 2023 3 business days before Final Pretrial Conference.	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions *in limine*.
September 12, 2023	Final Pretrial Conference. Held in person unless otherwise requested.
October 3, 2023[4]	Jury Selection/Trial.

SIGNED this 27th day of June, 2022.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

[4] If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-Markman that are consistent with the Court's default deadlines in light of the actual trial date.