IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TEXTRON INNOVATIONS INC., *Plaintiff*,	§	
	§	
v.	§	CIVIL ACTION 2:22-cv-0351-RWS-RSP
	§	
SZ DJI TECHNOLOGY CO., LTD., DJI EUROPE B.V., SZ DJI BAIWANG TECHNOLOGY CO. LTD., and IFLIGHT TECHNOLOGY COMPANY LTD.	§	
Defendants.	§	

DOCKET CONTROL ORDER

In accordance with the Scheduling Conference held in this case, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

DATE	EVENT
July 15, 2024	*Jury Selection – 9:00 a.m. in **Marshall, Texas**
7 days before Jury Selection	*Defendant to disclose final invalidity theories, final prior art references/combinations, and final equitable defenses
10 days before Jury Selection	*Plaintiff to disclose final election of Asserted Claims
June 17, 2024	*If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date[1]
June 10, 2024	*Pretrial Conference – 1:30 p.m. in **Marshall, Texas** before Judge Roy Payne
June 3, 2024	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions *in limine*. The parties shall advice the Court

[1] The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire.*

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	of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
June 3, 2024	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions *in Limine*, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
May 28, 2024	*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, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
May 20, 2024	File Motions *in Limine* The parties shall limit their motions *in limine* to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
May 20, 2024	Serve Objections to Rebuttal Pretrial Disclosures
May 13, 2024	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
April 29, 2024	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
April 22, 2024	*Response to Dispositive Motions (including *Daubert* Motions). Responses to dispositive motions that were filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order.[2] Motions for Summary Judgment shall comply with Local Rule CV-56.
April 8, 2024	*File Motions to Strike Expert Testimony (including *Daubert* Motions)

[2] The parties are directed to Local Rule CV-7(d), which provides in party that "[a] party's failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by the movant and has no evidence to offer in opposition to the motion." If the deadline under Local Rule CV-7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

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	No motion to strike expert testimony (including a *Daubert* motion) may be filed after this date without leave of the Court.
April 8, 2024	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend pages limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.
April 1, 2024	Deadline to Complete Expert Discovery
March 18, 2024	Serve Disclosures for Rebuttal Expert Witnesses
February 26, 2024	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
February 26, 2024	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
January 26, 2024	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
January 19, 2024	*Claim Construction Hearing – 9:00 a.m. in **Marshall, Texas** before Judge Roy Payne
January 5, 2024	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
December 21, 2023	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
December 14, 2023	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
December 8, 2023	Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
November 30, 2023	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
November 17, 2023	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)

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November 17, 2023	File Response to Amended Pleadings
November 3, 2023	*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
October 27, 2023	Comply with P.R. 4-3 (Joint Claim Construction Statement)
September 29, 2023	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
September 8, 2023	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
June 5, 2023	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions[3]
June 5, 2023	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
May 15, 2023	*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.
May 8, 2023	File Proposed Discovery Order and Proposed Docket Control Order
May 1, 2023	Join Additional Parties

(*) indicates a deadline that cannot be changed without an acceptable showing of good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

SIGNED this 11th day of May, 2023.

ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE

[3] http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf [https://perma.cc/RQN2-YU5P]