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

ZENTIAN LTD., Plaintiff, v. APPLE INC., Defendant.	C.A. No. 6:22-cv-00122-ADA **JURY TRIAL DEMANDED**

SCHEDULING ORDER

The parties' deemed Case Management Conference occurred on September 8, 2022. Pursuant to Federal Rule of Civil Procedure 16, the Court orders that the following schedule will govern deadlines up to and including the trials of this matter:[1]

Deadline	**Item**
September 1, 2022	Plaintiff served preliminary[2] 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 also identified the earliest priority date (*i.e.* the earliest date of invention) for each asserted claim and produced: (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.

[1] Plaintiff requests that this case be coordinated and/or consolidated with CRSR related case *Zentian v. Amazon.com Services LLC*, No. 6:22-cv-00123-ADA (W.D. Tex.), for pre-trial purposes and with coordinated *Markman* briefing and a single *Markman* hearing. *See* OGP 4.2 at 2, 7.

[2] 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
October 27, 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).
November 10, 2022	Parties exchange claim terms for construction.
December 1, 2022	Parties exchange proposed claim constructions.
December 8, 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.[3] 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.
December 15, 2022	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
January 19, 2023	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
January 26, 2023	Deadline to file Motion to Transfer.[4]
February 9, 2023	Plaintiff files Responsive claim construction brief.

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

[4] Assumes *Markman* hearing on March 23, 2023. *See* OGP 4.2 at 5 ("This section applies to all cases filed on or after March 7, 2022. Otherwise, the Second Amended Standing Order Regarding Motions for Inter-District Transfer controls earlier-filed cases."); Second Amended Standing Order Regarding Motions For Inter-District Transfer ("A motion for interdistrict transfer may be filed within eight weeks of the scheduled date for the *Markman* hearing only with a showing of good cause for any delay and leave of court.").

Deadline	Item
February 23, 2023	Defendant files Reply claim construction brief.
February 23, 2023	Parties to jointly email the law clerks (txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov) to confirm their *Markman* date.
February 23, 2023	For pending inter-district venue transfer motions, the moving party to provide the Court with a status report with respect to whether the motion(s) has been fully briefed and ready for resolution. Parties to jointly email the Court's law clerks (txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov) if any venue or jurisdictional motions remain unripe for resolution.
March 9, 2023	Plaintiff files a Sur-Reply claim construction brief
March 14, 2023	Parties submit Joint Claim Construction Statement and email the law clerks (txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov) an editable copy.
March 16, 2023	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).
March 16, 2023	If the Court has not ruled on any pending inter-district motion to transfer, the moving party is directed to email the Court's law clerks (txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov) and the technical advisor (when appointed), and indicate that the motion to transfer is pending.
March 23, 2023	*Markman* Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the *Markman* hearing approaches.
March 24, 2023	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
May 4, 2023	Deadline to add parties.
May 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.

Deadline	Item
July 13, 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.)
September 21, 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 clerks (txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov) to arrange a teleconference with the Court to resolve the disputed issues.
October 19, 2023	Close of Fact Discovery.
October 26, 2023	Opening Expert Reports.
November 30, 2023	Rebuttal Expert Reports.
December 21, 2023	Close of Expert Discovery.
December 21, 2023	Deadline for the second of two meet and confer 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 clerks (txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov) 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.
January 11, 2024	Dispositive motion deadline and *Daubert* motion deadline.
January 25, 2024	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
February 1, 2024	Deadline to respond to dispositive motions and *Daubert* motions.
February 15, 2024	Deadline to file reply briefs in support of dispositive motions and *Daubert* motions.
February 22, 2024	Serve objections to pretrial disclosures/rebuttal disclosures.
February 22, 2024	Parties to jointly email the Court's law clerks (txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov) to confirm their pretrial conference and trial dates.

Deadline	Item
February 29, 2024	Serve objections to rebuttal disclosures; file Motions *in limine*
March 7, 2024	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to Motions *in limine.*
March 14, 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, Kristie Davis at kmdaviscsr@yahoo.com Deadline to meet and confer regarding remaining objections and disputes on Motions *in limine*.
3 business days before Final Pretrial Conference	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions *in limine*.
TBD at the Court's convenience [March 28, 2024, or as soon as practicable]	Final Pretrial Conference. Held in person unless otherwise requested. The Court expects to set this date at the conclusion of the *Markman* Hearing.
TBD at the Court's convenience [April 22, 2024, or as soon as practicable]	Jury Selection/Trial. The Court expects to set this date at the conclusion of the *Markman* Hearing.

SIGNED this 23rd day of September, 2022.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE