

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NANOSTRING TECHNOLOGIES, INC.,

Plaintiffs,

v.

10X GENOMICS, INC.,

Defendant.

C.A. No. 22-1375-MFK

SCHEDULING ORDER

Further to this Court's Order dated April 5, 2023 (D.I. 34) and the Court's Scheduling Order in the related case *10x Genomics, Inc. and President and Fellows of Harvard College v. NanoString Technologies, Inc.*, 20-cv-261, dated September 19, 2022 (D.I. 55), the Court enters the following schedule to manage the progress of this case. Accordingly, it is therefore ORDERED that the following events shall take place by the dates provided:

Event (1375 Case)	Deadline
Initial Invalidity Contentions	April 21, 2023
NanoString's Identification of 5 or Fewer Claims (U.S. Patent No. 11,473,142)	May 19, 2023
Exchange of claim terms and proposed constructions	June 2, 2023
Substantial completion of ESI production using a party's own search terms	June 9, 2023
Parties shall exchange proposed constructions for terms offered by other parties	June 23, 2023
Exchange of ESI search terms for opposing parties' custodians and sources	June 30, 2023
Supplementation of Accused Products and Invalidity References	July 21, 2023
Submit joint claim construction chart	August 4, 2023

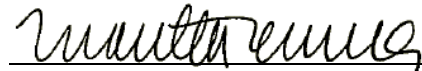
Event (1375 Case)	Deadline
Service of opening claim construction brief ¹	August 18, 2023
Substantial Completion of Document Production	August 25, 2023
Opening brief <i>claim construction</i> expert witnesses shall be made available for deposition (subject to expert availability)	August 28-31, 2023
Service of answering claim construction brief	September 15, 2023
Answering brief <i>claim construction</i> expert witnesses shall be made available for deposition (subject to expert availability)	September 19-26, 2023
Service of reply claim construction brief	October 6, 2023
Motions to Amend or Supplement Pleadings	October 13, 2023
Parties shall file a Joint Claim Construction Brief; technology tutorials; and joint letter regarding live testimony and amount of time for the claim construction hearing	October 20, 2023
Claim Construction Hearing	December 15, 2023 ² (10 am CT)
Final Infringement Contentions (10 or Fewer Claims) Final Invalidity Contentions: no more than 15 prior art references; 4 prior art grounds per claim; 4 non-prior art grounds per claim	30 days after Court's claim construction order
Final Non-Infringement Contentions Final Validity Contentions	60 days after Court's claim construction order
Last Day to Serve Discovery Requests (ROGs, RFAs, RFPs)	February 14, 2024
Fact Discovery Cut Off	March 15, 2024

¹ The parties will meet and confer to resolve which parties will address which asserted patents in each of the three rounds of claim construction briefing in the three coordinated cases (22-cv-261; 22-cv-595; 22-cv-1375). Consistent with the guidance from this Court and this Court's Scheduling Orders in the 261 Case (D.I. 55) and the 595 Case (D.I. 45), NanoString and Vizgen's combined claim construction briefing will not exceed 40 cumulative pages; Harvard and 10x's combined claim construction briefing will not exceed 40 cumulative pages; and there will be no more than three rounds of claim construction briefs submitted.

² Counsel for 10x has a potential conflict on December 15, 2023 due to an evidentiary hearing currently set to be held December 11-December 15, 2023 before the International Trade Commission in Washington, D.C. in Investigation No. 337-TA-1343, *In the matter of certain video processing devices and components thereof* (see Order No. 7). Counsel for 10x in this matter are also counsel for Complainant in that ITC investigation. If necessary, 10x will raise this conflict with this Court as the date approaches.

Event (1375 Case)	Deadline
Opening Expert Reports	May 17, 2024
Rebuttal expert reports	June 21, 2024
Reply expert reports	July 19, 2024
Completion of expert discovery	August 2, 2024
Opening briefs for dispositive motions and Daubert motions	August 23, 2024
Responsive briefs for dispositive motions and Daubert motions	September 13, 2024
Reply briefs for dispositive motions and Daubert motions	September 20, 2024
The parties shall file with the Court the joint proposed final pretrial order in compliance with Local Rule 16.3(c) and the Court's Preferences and Procedures for Civil Cases not later than seven (7) days before the pretrial conference	7 days before pretrial conference
Pretrial Conference	December 2, 2024
Trial	Start on December 9, 2024

Dated: April 13, 2023


 The Honorable Matthew F. Kernelly
 United States District Judge

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