IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ATTENTIVE MOBILE INC.,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 23-87-CJB
v.	)	
	)	**JURY TRIAL DEMANDED**
STODGE INC. d/b/a POSTSCRIPT,	)	
	)	
Defendant.	)	

STIPULATION AND ORDER AMENDING SCHEDULE FOR PATENT INFRINGEMENT COUNTERCLAIM

WHEREAS, on August 25, 2023, Defendant filed its Amended Answer (D.I. 50) asserting, among other things, a claim for infringement of U.S. Patent No. 11,709,660 (the "'660 Patent"); and

WHEREAS, the parties have conferred on a schedule that incorporates the '660 Patent into this case and includes a request for a claim construction hearing on the '660 Patent in March 2024 and a hearing on dispositive motions on the '660 Patent in December 2024; and aligning with the current schedule for the Joint Proposed Final Pretrial Order;

IT IS THEREFORE STIPULATED AND AGREED by the undersigned counsel for Plaintiff/Counterdefendant Attentive Mobile Inc. and Defendant/Counterclaimant Stodge Inc. d/b/a Postscript, subject to the approval of the Court, that the following deadlines shall apply to Defendant's patent infringement counterclaim for the '660 Patent:

EVENT	DEADLINE
Initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) Due	Friday, September 29, 2023
Default Standard Paragraph 3 disclosures	Wednesday, October 18, 2023

Counterclaimant identify accused products, methods, and systems and state which patents each infringes; Counterclaimant identify damages model; Counterclaimant produce file history for each asserted patent	Friday, September 29, 2023
Counterclaimant produce license agreements and settlement agreements that are directed to the asserted patents	Friday, September 29, 2023
Counterdefendant produce core technical documents and (a) historical shipment figures for the accused products and systems and for the products and systems performing the accused methods; and (b) sales/licensing figures regarding the data obtained from the accused products, methods, and systems, including figures for any downstream interest Counterdefendant maintains in data licensing and sales	Tuesday, October 24, 2023
Counterclaimant produce initial claim chart relating each known accused product to the asserted claims each product allegedly infringes	Friday, November 17, 2023
Counterdefendant produce initial invalidity claim charts for each asserted claim and known invalidating references	Monday, December 18, 2023
Exchange list of claim terms proposed for construction and their proposed constructions	Friday, December 29, 2023
Prepare joint claim construction chart and file with the Court; concurrent filing of Motion for Claim Construction	Tuesday, January 9, 2024
Joinder of parties and amendment of pleadings	Friday, October 27, 2023
Counterclaimant's opening claim construction brief	Tuesday, January 23, 2024
Counterdefendant’s answering claim construction brief	Tuesday, February 6, 2024
Counterclaimant's reply claim construction brief	Tuesday, February 13, 2024

Counterdefendant's sur-reply claim construction brief	Tuesday, February 20, 2024
File joint claim construction brief; parties provide optional technology tutorials to the Court; parties notify the Court: (i) whether they request leave to present testimony at claim construction hearing; (ii) the amount of time they request be allocated to them for the hearing; and (iii) the order in which they intend to present the claim terms at issue, including which side will present first for each term	Tuesday, February 27, 2024
Parties provide optional written comments on opposing parties' technology tutorials (seven days after joint claim construction brief)	Wednesday, March 6, 2024
Claim construction hearing	Wednesday, March 27, 2024 at 11:00a.m.
Document production substantially complete	Wednesday, April 17, 2024
Interim status report after claim construction order	5 days after claim construction order
Supplemental identification of accused products and invalidity references	5 days after claim construction order
Final Infringement Contentions / Claim Charts	14 days after Order on Claim Construction
Final Invalidity Contentions / Claim Charts	14 days after Final Infringement Contentions/ Claim Charts
Close of Fact Discovery	The later of Monday, May 27, 2024 or 14 days after Final Invalidity Contentions / Claim Charts
Opening expert reports by party with burden of proof	Monday, July 8, 2024
Responsive expert reports by party without burden of proof	Monday, August 5, 2024
Reply expert reports by party with burden of proof	Monday, August 19, 2024

Expert depositions complete	Friday, September 13, 2024
Summary judgment and Daubert motions	Thursday, October 3, 2024
Opposition briefs regarding summary judgment and Daubert motions	Thursday, October 24, 2024
Reply briefs re summary judgment and Daubert motions	Thursday, November 7, 2024
Hearing on summary judgment and Daubert motions (subject to the Court's availability)	Wednesday, November 20, 2024 at 11:00am
Joint Proposed Final Pretrial Order	Friday, March 14, 2025
Pretrial conference	Friday, March 21, 2025
Trial	Monday, April 7, 2025

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Dated: October 18, 2023
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IT IS SO ORDERED, this 19th day of October, 2023.

Christopher J. Burke

U.S.M.J.