United States District Court
Southern District of Texas
**ENTERED**
September 01, 2022
Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE SOUTHERN DISTRICT OF TEXAS**
**HOUSTON DIVISION**

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| **C&M OILFIELD RENTALS, LLC D/B/A C-MOR ENERGY SERVICES,** | § | |
| **Plaintiff,** | § | **Civil Action No. 4:22-cv-00965** |
| **v.** | § | |
| | § | **JURY TRIAL DEMANDED** |
| **ENSIGN US SOUTHERN DRILLING LLC,** | § | |
| **Defendant.** | § | |

**PATENT CASE SCHEDULING ORDER**

It is hereby **ORDERED** that the following schedule and the Rules of Practice for Patent Cases in the Southern District of Texas will apply in this case:

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| 0 | **September 1, 2022** | **Scheduling Conference** |
| 1 | **November 15, 2022** | **PRELIMINARY INFRINGEMENT CONTENTIONS**<br>Comply with P.R. 3-1 and P.R. 3-2. After this date, it is necessary to obtain leave of court to add and/or amend infringement contentions, pursuant to Patent Rule (P.R.) 3-7.<br>**JOIN ADDITIONAL PARTIES OR ADD NEW PATENTS AND/OR CLAIMS**<br>It is not necessary to file a motion to join additional parties before this date. Thereafter, it is necessary to obtain leave of court. |
| 2 | **January 12, 2023** | **PRELIMINARY INVALIDITY CONTENTIONS**<br>Comply with P.R. 3-3 and 3-4. *After this date*, it is necessary to obtain leave of Court to add and/or amend invalidity contentions, pursuant to P.R. 3-7.<br><br>**INEQUITABLE CONDUCT ALLEGATIONS**<br>Before this date, it is not necessary to file a motion for leave to add inequitable conduct allegations. Thereafter, it is necessary to obtain leave of court to add inequitable conduct allegations. |

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| 3 | **January 26, 2023** | **EXCHANGE PROPOSED TERMS AND CLAIM ELEMENTS FOR CONSTRUCTION**<br>Comply with P.R. 4-1. |
| 4 | **February 16, 2023** | **EXCHANGE PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE**<br>Comply with P.R. 4-2. |
| 5 | **March 16, 2023** | **JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**<br>Comply with P.R. 4-3. |
| 6 | **March 16, 2023** | **AMEND PLEADINGS**<br>It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. |
| 7 | **March 30, 2023** | **DISCOVERY DEADLINE ON CLAIM CONSTRUCTION ISSUES**<br>*See* P.R. 4-4. |
| 8 | **April 6, 2023** | **TECHNOLOGY TUTORIAL DEADLINE**<br>Provide Court with technology tutorials (optional). |
| 9 | **April 20, 2023** | **OPENING CLAIM CONSTRUCTION BRIEF**<br>Comply with P.R. 4-5(a)(1). |
| 10 | **May 4, 2023** | **RESPONSIVE CLAIM CONSTRUCTION BRIEF**<br>Comply with P.R. 4-5(a)(2). |
| 11 | **May 11, 2023** | **REPLY CLAIM CONSTRUCTION BRIEF**<br>Comply with P.R. 4-5(a)(3). |
| 12 | **June 15, 2023** | **JOINT CLAIM CONSTRUCTION CHART**<br>Comply with P.R. 4-5(b) and (c). |
| 13 | **June 22, 2023** | **CLAIM CONSTRUCTION (*MARKMAN*) HEARING**<br>at _____.m. at the United States District Court, Courtroom _____, _____, Texas. |

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| 14 | **August 3, 2023** | **Court's Decision on Claim Construction** (*Markman* Ruling)<br>***(If ruling is late, parties may seek amendment of remaining dates in Scheduling Order.)*** |
| 15 | **December 19, 2023** | **DEADLINE FOR FINAL INFRINGEMENT CONTENTIONS AND TO AMEND PLEADINGS ON INFRINGEMENT CLAIMS**<br>**NOTE**: Except as provided in P.R. 3-6, if the amendment would affect preliminary or final infringement contentions, a motion must be made under P.R. 3-7 irrespective of whether the amendment is made before this deadline. |
| 16 | **January 10, 2024** | **PRIVILEGE LOGS/WILLFULNESS**<br>Comply with P.R.3-8<br>All parties furnish privilege logs by this date. |
| 17 | **January 17, 2024** | **DEADLINE FOR FINAL INVALIDITY CONTENTIONS AND TO AMEND PLEADINGS ON INVALIDITY CLAIMS**.<br>**NOTE**: Except as provided in P.R. 3-6, if the amendment would affect preliminary or final invalidity contentions, a motion must be made under P.R. 3-7 irrespective of whether the amendment is made before this deadline. |
| 18 | **December 19, 2023** | **COMPLETION OF FACT DISCOVERY**<br>Written discovery requests are NOT timely if they are served so close to this deadline that under the Fed. R. Civ. P. the response would not be due until after this deadline. |
| 19 | **March 6, 2024** | **DESIGNATION OF EXPERTS AND REQUIRED REPORTS OTHER THAN CLAIM CONSTRUCTION AND ATTORNEYS' FEES**<br>Party with burden of proof ("BOP") on non-construction and fees issues shall comply with Fed. R. Civ. P.26(a)(2)(A-C). |
| 20 | **April 3, 2024** | **DESIGNATION OF RESPONSIVE EXPERTS AND REQUIRED REPORTS**<br>Party not having BOP on non-construction and fees issues shall comply with Fed. R. Civ. P. 26(a)(2)(A-C). |
| 21 | **May 1, 2024** | **COMPLETION OF EXPERT DISCOVERY** |

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| 22 | **June 5, 2024** | **DISPOSITIVE AND NON-DISPOSITIVE MOTIONS DEADLINES (INCLUDING *DAUBERT* MOTIONS)** |
| 23 | **December 2, 2024** | **JOINT PRETRIAL ORDER AND MOTION IN LIMINE DEADLINE**<br>The Joint Pretrial Order will contain the pretrial disclosures required by Fed. R. Civ. P. Rule 26(a)(3), Local Rules and this Court's procedures. Plaintiff is responsible for timely filing the complete Joint Pretrial Order. Failure to file a Joint Pretrial Order timely may lead to dismissal or other sanction in accordance with the applicable rules. |
| 24 | **January 6, 2025** at 1:30 p.m. | **DOCKET CALL/ FINAL PRETRIAL CONFERENCE**<br>at the United States District Court, Courtroom _____, _____, Texas. |
| 25 | **MEDIATION is REQUIRED prior to Docket Call** | **MEDIATION TO BE COMPLETED BY THIS DATE**<br>The parties must select a mediator for this case. The parties and mediator must comply with S.D. TEXAS LOCAL RULE 16. |
| 26 | January 21, 2025 at 9:00 a.m. | **JURY SELECTION AND TRIAL** commences, subject to Court's criminal docket |

SIGNED at Houston, Texas, this 1st day of September, 2022.

SAM SHELDON
UNITED STATES MAGISTRATE JUDGE