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

FORCE MOS TECHNOLOGY CO., LTD.	§	
	§	
v.	§	Case No. 2:22-CV-0460-JRG
	§	
ASUSTEK COMPUTER, INC.	§	

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:

October 7, 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.[1]
10 days before Jury Selection	*Plaintiff to disclose final election of Asserted Claims.[2]
September 9, 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.[3]
September 3, 2024	*Pretrial Conference – 9:00 a.m. in **Marshall, Texas** before Judge Rodney Gilstrap.

[1] The proposed DCO shall include this specific deadline. The deadline shall read, "7 days before Jury Selection," and shall not include a specific date.

[2] Given the Court's past experiences with litigants dropping claims and defenses during or on the eve of trial, the Court is of the opinion that these additional deadlines are necessary. The proposed DCO shall include this specific deadline. The deadline shall read, "10 days before Jury Selection," and shall not include a specific date.

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

August 26, 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 advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
August 26, 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
August 19, 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.
August 12, 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.
August 12, 2024	Serve Objections to Rebuttal Pretrial Disclosures
August 5, 2024	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
July 22, 2024	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
July 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.[4] Motions for Summary Judgment shall comply with Local Rule CV-56.

[4] The parties are directed to Local Rule CV-7(d), which provides in part 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 movant and has no evidence to offer in opposition to the motion."

July 1, 2024	*File Motions to Strike Expert Testimony (including *Daubert* Motions) No motion to strike expert testimony (including a *Daubert* motion) may be filed after this date without leave of the Court.
July 1, 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. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
June 24, 2024	Deadline to Complete Expert Discovery
June 10, 2024	Serve Disclosures for Rebuttal Expert Witnesses
May 20, 2024	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
May 20, 2024	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
April 30, 2024	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
April 9, 2024	*Claim Construction Hearing – 9:00 a.m. in **Marshall, Texas** before Judge Rodney Gilstrap
March 26, 2024	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
March 19, 2024	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
March 12, 2024	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
February 27, 2024	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).

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.

February 27, 2024	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.
February 13, 2024	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
February 6, 2024	File Response to Amended Pleadings
January 23, 2024	*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.
January 16, 2024	Comply with P.R. 4-3 (Joint Claim Construction Statement)
December 22, 2023	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
December 5, 2023	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
July 18, 2023	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions[5]
July 18, 2023	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
June 20, 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.
June 13, 2023	*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.
June 6, 2023	Join Additional Parties

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

May 16, 2023	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

(*) 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.

So ORDERED and SIGNED this 15th day of June, 2023.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE