

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

RADIANT VISION SYSTEMS, LLC,

Plaintiff,

v.

ADMESY B.V.,

Defendant.

CIVIL ACTION NO. 1:21-CV-1115-RP

AGREED SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16, the following Agreed Scheduling Order is issued by the Court:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before **June 13, 2022**.

2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before **June 20, 2022**, and each opposing party shall respond, in writing, on or before **June 27, 2022**. All offers of settlement are to be private, not filed. The parties are ordered to retain the written offers of settlement and responses so the Court may use them in assessing attorney's fees and costs at the conclusion of the trial.

3. Each party shall complete and file the attached "Notice Concerning Reference to United States Magistrate Judge" on or before **June 13, 2022**.

4. On or before **September 13, 2022**, Radiant Vision Systems shall serve its preliminary patent infringement contentions in the form of claim charts. Radiant shall also produce a copy of the file history for the patent in suit.

5. On or before **October 21, 2022**, Admesy shall serve its preliminary invalidity contentions in the form of claim charts. Admesy shall also include an

identification of any limitations that Admesy contends are indefinite or lack written description under 35 U.S.C. § 112, and an identification of any claims that Admesy contends are directed to ineligible subject matter under 35 U.S.C. § 101. Admesy shall also produce all prior art referenced in the invalidity contentions and technical documents sufficient to show the operation of the accused products.

6. The following schedule shall apply to claim construction proceedings in this case:

a. On **December 2, 2022**, the parties shall concurrently exchange a list of claim terms a party believes should be construed by the Court and identify any claim element a party contends should be governed by 35 U.S.C. § 112(f).

b. On **December 16, 2022**, the parties shall concurrently exchange proposed constructions.

c. On **January 13, 2023**, the parties shall file their Opening Claim Construction Briefs, with supporting evidence, including any declarations of expert witnesses in support of claim construction. The page limit for the parties' Opening Claim Construction Briefs shall be 20 pages, exclusive of the caption, signature block, any certificate, and exhibits.

d. On **February 3, 2023**, the parties shall file their Responsive Claim Construction Briefs with supporting evidence, including any responsive declarations of expert witnesses in support of its responsive positions. The page limit for the parties' Responsive Claim Construction Briefs shall be 20 pages, exclusive of the caption, signature block, any certificate, and exhibits.

e. Claim Construction Hearing: March 3, 2023

7. The parties shall file all motions to amend or supplement pleadings or to join additional parties on or before **April 3, 2023**.

8. The parties shall complete all fact discovery on or before **September 8, 2023**.

9. All parties with the initial burden of proof shall exchange opening expert reports (all materials required by Federal Rule of Civil Procedure 26(a)(2)(B)) on or before **September 15, 2023**. The parties exchange rebuttal expert reports (all materials required by Federal Rule of Civil Procedure 26(a)(2)(B)) on or before **October 13, 2023**.

10. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within 11 days from the receipt of the written report of the expert's proposed testimony, or within 11 days from the completion of the expert's deposition, if a deposition is taken, whichever is later.

11. The parties shall complete all expert discovery on or before **November 10, 2023**.

12. All dispositive and Daubert motions shall be filed on or before **December 8, 2023** and shall be limited to 20 pages. Responses shall be filed and served on all other parties not later than 14 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 7 days after the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion.

13. The Court will set this case for final pretrial conference at a later time. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The

parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

14. This case is set for jury trial commencing at 9:00 a.m. on March 4, 2024. By filing an agreed motion, the parties may request that this Court extend any deadline set in this Order, with the exception of the dispositive motions deadline and the trial date. The Court may impose sanctions under Federal Rule of Civil Procedure 16(f) if the parties do not make timely submissions under this Order.

SIGNED on July 12, 2022.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

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

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**NOTICE CONCERNING REFERENCE TO
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. § 636(c), Federal Rule of Civil Procedure 73,
and the Local Rules of the United States District Court for the Western District of Texas, the
following party _____

through counsel _____

___ consents to having a United States Magistrate Judge preside over the trial in this case.

___ declines to consent to trial before a United States Magistrate Judge.

Respectfully submitted,

Attorney for:
