

FILED

September 27, 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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

BY: Julie Golden
DEPUTY

KATANA SILICON TECHNOLOGIES LLC, §

Plaintiff §

v. §

GLOBALFOUNDRIES, INC;
GLOBALFOUNDRIES U.S. INC.; and
GLOBALFOUNDRIES U.S. 2 LLC

Defendants. §

Case No. AU:22-CV-00852-RP

JURY TRIAL DEMANDED

AGREED SCHEDULING ORDER

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

1. Each party shall complete and file the attached “Notice Concerning Reference to United States Magistrate Judge” on or before October 6, 2022.
2. Fact discovery opens and parties serve Initial Disclosures pursuant to Rule 26(a) on October 6, 2022.
3. The following schedule shall apply to claim construction proceedings in this case:
 - a. On October 20, 2022, the parties shall concurrently exchange a list of claims 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 November 3, 2022, the parties shall concurrently exchange proposed constructions.
 - c. On December 15, 2022, 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 30 pages, exclusive of the caption, signature block, any certificate, and exhibits.

- d. On January 19, 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 30 pages, exclusive of the caption, signature block, any certificate, and exhibits.
 - e. On January 26, 2023, the Parties submit a Joint Claim Construction Statement to the Court including a final joint chart of claim terms to be construed with rival constructions, and agreed constructions of terms.
 - f. Claim Construction Hearing: February 10, 2023.
4. On or before June 15, 2023, the Parties serve their final patent infringement contentions and final invalidity contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the Parties of their obligation to amend if new information is identified after initial contentions.
 5. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before November 4, 2022, and each opposing party shall respond, in writing, on or before November 18, 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.

6. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before December 9, 2022.
7. The parties shall file all motions to amend or supplement pleadings or to join additional parties on or before June 15, 2023.
8. The parties shall complete all fact discovery on or before July 14, 2023.
9. All parties shall exchange burden of proof expert reports (Federal Rule of Civil Procedure 26(a)(2)(B)) on or before August 10, 2023. The parties shall exchange rebuttal expert reports (Federal Rule of Civil Procedure 26(a)(2)(B)) on or before September 7, 2023.
10. The parties shall complete all expert discovery on or before November 3, 2023.
11. All dispositive motions and *Daubert* motions shall be filed on or before December 7, 2023 and shall be limited to 20 pages. Responses shall be filed and served on all other parties on or before December 21, 2023 and shall be limited to 20 pages. Any replies shall be filed and served on all other parties on or before January 4, 2024 and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion.
12. 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.
13. This case is set for Jury trial commencing at 9:00 a.m. on

April 15, 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 September 27, 20 22.

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

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

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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:
