

FILED

March 06, 2024

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

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

BY: J.A. Ward
DEPUTY

EVERLIGHT ELECTRONICS CO., LTD.,

Plaintiff

v.

IKEA US RETAIL LLC, *et al.*,

Defendants.

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Civil Action No.
WA-23-CV-00481-AM

SCHEDULING ORDER

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, the Court issues the following scheduling order to govern the progress of this matter:

1. On or before March 22, 2024:

- a. Plaintiff serves preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (i.e., the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
- b. The Parties shall serve Rule 26(a)(1)(A) Initial Disclosures.

2. **On or before May 8, 2024**, the Defendants shall serve preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendants shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
3. **On or before May 22, 2024**, the Parties shall exchange terms for construction.

4. **On or before June 5, 2024**, the Parties shall exchange proposed claim constructions.
5. **On or before June 19, 2024**, Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
6. The schedule for the *Markman* hearing shall be as follows:
 - a. The Parties shall appear for docket call **in person** at the United States Courthouse Del Rio, Texas on June 11, 2024 at 10:00 a.m. At docket call, the parties shall commit to a firm date for the *Markman* hearing.¹
 - b. The opening claim construction brief by the Defendants shall be due **on or before June 10, 2024**.
 - c. The response claim construction brief by the Plaintiff shall be due **on or before June 24, 2024**.
 - d. The reply claim construction brief by the Defendants shall be due **on or before July 1, 2024**.
 - e. The sur-reply claim construction brief by the Plaintiff shall be due **on or before July 8, 2024**.
 - f. The parties shall submit video technical tutorials to the Court and technical advisor, if one is appointed, no later than fourteen days before the *Markman* hearing.
7. Fact discovery shall open the day after the *Markman* hearing.
8. The deadline for joinder of parties shall be **November 6, 2024**.
9. The deadline to serve Final Infringement and Invalidity Contentions shall be **November 20, 2024**.
10. The deadline to amend pleadings shall be **December 18, 2024**.

¹ The parties should expect a hearing date within 30 days from the docket call date. Because the Court has the busiest docket of any federal judge in the country and time for travel is thus nonexistent, the *Markman* hearing will be held in person at the United States Courthouse in Del Rio, Texas. Virtual appearance will not be permitted except in extraordinarily compelling circumstances.

11. Fact discovery shall close on **April 16, 2025**.
12. Expert reports shall be served **on or before May 7, 2025**.
13. Rebuttal expert report shall be served **on or before June 4, 2025**.
14. Expert discovery shall close on **June 26, 2025**.
15. Summary Judgment and *Daubert* motions shall be filed **on or before August 20, 2025**.
 - a. Responses and replies shall be filed in accordance with the local rules of the Court.
16. The parties shall file a joint notice **on or before October 6, 2025** indicating the trial posture of the case and requesting a docket call date at which trial will be set.

Amendments to this Scheduling Order shall only be made upon proper motion by the parties.

SIGNED and ENTERED on this 6th day of March 2024.



ALIA MOSES
Chief United States District Judge