

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

INTELLECTUAL VENTURES I LLC
and
INTELLECTUAL VENTURES II LLC,

Plaintiff,

v.

ZEBRA TECHNOLOGIES
CORPORATION

Defendant.

Civil Action No. 6:23-cv-292

JURY TRIAL DEMANDED

SCHEDULING ORDER

IT IS HEREBY ORDERED that the above entitled and numbered case will be governed by the following schedule:

DEADLINE	ITEM
November 21, 2023	Deadline to file a motion for inter-district transfer. After this deadline, movants must seek leave of Court and show good cause for the delay.
December 19, 2023	Defendant serves 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. Defendant 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). ¹
January 5, 2024	Parties exchange claim terms for construction.

¹ The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

January 16, 2024	Parties exchange proposed claim constructions.
January 23, 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. ² 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.
January 30, 2024	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
February 6, 2024	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
February 27, 2024	Plaintiff files Responsive claim construction brief.
March 12, 2024	Defendant files Reply claim construction brief. Parties to jointly email the law clerks (<i>see</i> OGP at 1) to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution. For pending inter-district venue transfer motions, the moving party to provide the Court with a status report with respect to whether the motion(s) has been fully briefed and ready for resolution no later than 4 weeks prior to the date of the Marking hearing.
March 26, 2024	Plaintiff files a Sur-Reply claim construction brief.
March 29, 2024	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy. <i>See</i> General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
April 2, 2024	Parties submit optional technical tutorials to the Court and technical advisor (if appointed). The parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account
April 9, 2024 ³	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.
April 10, 2024	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
May 21, 2024	Deadline to add parties.

² Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

³ All deadlines hereafter follow the original *Markman* hearing date and do not change if the Court delays the *Markman* hearing.

June 4, 2024	Deadline to serve Final Infringement and 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 seasonably amend if new information is identified after initial contentions.
July 30, 2024	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
October 8, 2024	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues.
November 5, 2024	Close of Fact Discovery.
November 12, 2024	Opening Expert Reports.
December 10, 2024	Rebuttal Expert Reports
January 6, 2025	Close of Expert Discovery
January 7, 2025	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
January 14, 2025	Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
January 28, 2025	Serve Pretrial Disclosures (jury instructions, exhibit lists, witness lists, deposition designations).
February 11, 2025	Serve objections to pretrial disclosures/rebuttal disclosures. Parties to jointly email the Court's law clerk (<i>See</i> OGP at 1) to confirm their pretrial conference and trial dates.
February 18, 2025	Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .
February 25, 2025	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, deposition designations); file oppositions to motions <i>in limine</i>
March 4, 2025	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 email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to file replies to motions <i>in limine</i> .

March 11, 2025	Deadline to meet and confer regarding remaining objections and disputes on motions in limine
March 15, 2025	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
March 18, 2025	Final Pretrial Conference. Held in person unless otherwise requested.
April 8, 2025	Jury Selection / Trial.

SIGNED this 24th day of August, 2023.


United States District Judge