

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

OPTIMUM IMAGING TECHNOLOGIES LLC, Plaintiff, v. FUJIFILM CORPORATION, Defendant.	Case No. 4:23-CV-00922-ALM JURY TRIAL DEMANDED
OPTIMUM IMAGING TECHNOLOGIES LLC, Plaintiff, v. NIKON CORPORATION, Defendant.	Case No. 4:23-cv-00923-ALM JURY TRIAL DEMANDED
OPTIMUM IMAGING TECHNOLOGIES LLC, Plaintiff, v. OLYMPUS CORPORATION ET AL., Defendants.	Case No. 4:23-cv-00924-ALM JURY TRIAL DEMANDED
OPTIMUM IMAGING TECHNOLOGIES LLC, Plaintiff, v. SAMSUNG ELECTRONICS CO., LTD., ET AL., Defendant.	Case No. 4:23-cv-00927-ALM JURY TRIAL DEMANDED
OPTIMUM IMAGING TECHNOLOGIES LLC, Plaintiff, v. SONY CORPORATION, Defendant.	Case No. 4:23-cv-00928-ALM JURY TRIAL DEMANDED

**ORDER GRANTING JOINT MOTION
TO MODIFY SCHEDULING ORDER**

Before the Court is the Joint Motion to Modify the Scheduling Order (Dkt. #47 in 4:23cv923). The request is joint and the Court is of the opinion the Motion should be granted.

It is therefore **ORDERED** that the Motion is **GRANTED**. **IT IS ORDERED** that the Scheduling Order is modified as follows:

Event	Deadline
P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions (and P.R. 3-2 document production) to be served.	September 27, 2024
Deadline to add parties.	October 24, 2024
Source code production under P.R. 3-1(g).	December 4, 2024
Parties to exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112, ¶ 6 (P.R. 4-1).	December 9, 2024
P.R. 3-3 Invalidity Contentions (and P.R. 3-4 document production) to be served. To extent not already required to be disclosed, exchange Mandatory Disclosures on all issues, including damages. Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).	December 4, 2024
Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same (P.R. 4-2).	December 20, 2024
Parties' final amended pleadings. (A motion for leave to amend is required.)	December 19, 2024
Joint Claim Construction and Prehearing Statement to be filed (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims.	January 10, 2025
Response to amended pleadings.	January 9, 2025
Completion date for discovery on claim construction (P.R. 4-4). Plaintiff shall serve a Preliminary Election of Asserted Claims, which shall assert no more than ten claims from each patent and not more than a total of 32 claims.	January 21, 2025
Opening claim construction brief (P.R.4-5(a)).	February 6, 2025
Submit technology synopsis (both hard copy and disk).	February 20, 2025
Responsive claim construction brief (P.R. 4-5(b)).	February 27, 2025
Defendants shall serve a Preliminary Election of Asserted Prior Art, which shall assert no more than twelve prior art references against each patent and not more than a total of 40 references	February 13, 2025
Reply claim construction brief (P.R. 4-5(c)).	March 13, 2025

Event	Deadline
Parties to file joint claim construction and chart (P.R. 4-5(d)). Parties shall work together to agree on as many claim terms as possible.	March 17, 2025
Claim construction hearing at 9:00 am at the Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas, TO BE HELD VIRTUALLY , instructions to follow.	March 27, 2025
Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations, and tangible things, which are relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this court's order or that Patent Rules, nor an excuse to delay disclosure of information. It is a catchall deadline for provision of all remaining information that may be relevant to a claim or defense of any party at trial.	April 18, 2025
Plaintiff to serve a Final Election of Asserted Claims, which shall identify no more than five asserted claims per patent from among the ten previously identified claims and no more than a total of 16 claims.	April 18, 2025
[Fact] Discovery deadline. All discovery must be served in time to be completed by this date.	April 18, 2025
Defendants shall serve a Final Election of Asserted Prior Art, which shall identify no more than six asserted prior art references per patent from among the twelve prior art references previously identified for that particular patent and no more than a total of 20 references. For purposes of this Final Election of Asserted Prior Art, each obviousness combination counts as a separate prior art reference.	April 18, 2025
Parties with burden of proof to designate Expert Witnesses other than claims construction experts and provide their expert witness reports, to include for ALL experts all information set out in Rule 26(2)(B). Burden of Proof Expert Reports Such objections and motions are limited to ten pages.	April 25, 2025
<i>Daubert</i> Motion on Opening Expert Reports.	May 16, 2025
Comply with P.R. 3-7 on designation of willfulness opinions	May 2, 2025

Event	Deadline
Parties designate expert witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B). Rebuttal Expert Reports	May 23, 2025
[Expert] Discovery deadline. All discovery must be served in time to be completed by this date.	May 30, 2025
Deadline to file dispositive motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files, each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rules CV-7. <i>Daubert</i> Motion on Rebuttal Expert Reports. Responses to motions shall be due in accordance with Local Rule CV-7(e).	June 6, 2025
Mediation deadline.	30 days after entry of the claim construction order
Notice of intent to offer certified records.	September 19, 2025
Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order (See www.txed.uscourts.gov) and Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in nonjury cases)).	September 19, 2025
Motions <i>in limine</i> due. File Joint Final Pretrial Order (See www.txed.uscourts.gov). Exchange Exhibits and deliver copies to the court. At this date, all that is required to be submitted to the court is a hyperlinked exhibit list on disk (2 copies) and no hard copies. If Parties will be requesting daily copy of the transcript during trial, they must notify the Court's court reporter, Chris Bickham, Chris_Bickham@txed.uscourts.gov by this date.	September 29, 2025

Event	Deadline
Deposition Designations due. Each party who proposes to offer a deposition shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those that cannot be resolved shall be presented to the court. The party who served the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the court's rulings on objections.	October 1, 2025
Responses to motions <i>in limine</i> due. Responses to Deposition Designations due. File objections to witnesses, depositions extracts, and exhibits, listed in pre-trial order. This does not extend the deadline to object to expert witnesses. If numerous objections are filed, the court may set a hearing prior to docket call. File Proposed Jury Instructions and Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).	October 17, 2025
Final Pretrial Conference at 9:00 a.m. at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas.	November 6, 2025
Jury selection and trial at 10:00 a.m. at the Paul Brown United States Courthouse located at 101 East Pecan Street in Sherman, Texas.	

IT IS SO ORDERED.

SIGNED this 30th day of January, 2025.


 AMOS L. MAZZANT
 UNITED STATES DISTRICT JUDGE