F. Christopher Austin, Esq. (NV Bar No. 6559)
caustin@weidemiller.com
WEIDE & MILLER, LTD.
10655 Park Run Drive, Suite 100
Las Vegas, NV 89144
Tel: (702) 382-4804
Fax: (702) 382-4805

Attorneys for Plaintiff, FaceTec, Inc.

Jay J. Schuttert (SBN 8656)
David W. Gutke (SBN 9820)
EVANS FEARS & SCHUTTERT LLP
6720 Via Austi Parkway, Suite 300
Las Vegas, NV 89119
Tel: (702) 805-0290
Fax: (702) 805-0291
Email: jschuttert@efstriallaw.com
dgutke@efstriallaw.com

Attorneys for Defendant, iProov Ltd.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FACETEC, INC., a Delaware corporation, Plaintiff, v. iPROOV LTD, a United Kingdom limited liability company, Defendant.	Case No. 2:21-cv-02252-ART-BNW ***[PROPOSED]*** **DISCOVERY PLAN AND SCHEDULING ORDER** **SPECIAL SCHEDULING REVIEW REQUESTED FOR A PATENT CASE**
iPROOV LTD, a United Kingdom limited liability company, Counter-Claimant, v. FACETEC, INC., a Delaware corporation, Counter-Defendant.	

Under Fed. R. Civ. P. 26(f), Local Rule 26-1, and Patent Local Rules 16.1-1 et. seq., the respective parties conducted a discovery planning conference telephonically and via email communication, up to and including **July 5, 2022**, and hereby submit to the Court the following proposed Discovery Plan and Scheduling Order. As set forth herein special scheduling review is

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requested pursuant to LR 26-1 for a patent case.

A. Proposed Schedule

Event	Deadline
1. Joint Protective Order	*August 12, 2022*
2. Federal Rule 26(a)(1) and LPR 1-6 / 1-7 Disclosures Disclosure of Asserted Claims and Infringement Contentions / Accompanying Document Production	*August 18, 2022*
3. LPR 1-8 / 1-9 Disclosures Non-Infringement, Invalidity, and Unenforceability Contentions / Accompanying Document Production	*September 27, 2022*
4. LPR 1-10 Disclosures Response to Invalidity, and Unenforceability Contentions	*October 18, 2022*
5. Motion to Amend Pleadings/Parties	*July 24, 2023*
6. LPR 1-13 Disclosures Exchange of Proposed Terms of Construction	*October 24, 2022*
7. LPR 1-14 Disclosures Exchange of Preliminary Claim Constructions and Extrinsic Evidence	*November 7, 2022*
8. LPR 1-15 Disclosures Submit Joint Claim Construction and Prehearing Statement	*November 21, 2022*
9. LPR 1-16 Patent Owner's Opening Claim Construction Brief(s)	*December 13, 2022*
10. LPR 1-16 Responsive Claim Construction Brief(s)	*January 10, 2023*
11. LPR 1-16 Patent Owner's Reply Claim Construction	*January 24, 2023*

Brief	
12. LPR 1-17 Claim Construction Hearing and Order from the Court	*[within 60 days after the Reply brief is filed, the court will complete its hearing, and issue its order within an additional 60 days. If the court is unable to issue its order within 120 days after submission of the Reply brief, the court may reset expert disclosure deadlines as requested by a party or stipulation]*
13. LPR 1-18a Parties to meet and confer to reasonably limit the number of claims and prior art references asserted	*[14 days after Claim Construction Order*
14. LPR 1-18a / LPR 1-18b Disclosure of amended contentions Disclosure of opinion of counsel defense	*[30 days after Claim Construction Order]*
15. Discovery Cut-Off	*[45 days after Claim Construction Order]*
16. Fed. R. Civ. P. 26(a)(2)(D) Opening Expert Reports - all issues on which a party bears the burden of proof	*[75 days after Claim Construction Order]*
17. Fed. R. Civ. P. 26(a)(2)(D) Rebuttal Expert Reports	*[45 days after Opening Expert Reports]*
18. Expert Discovery cut-off	*[45 days after Rebuttal Expert Reports]*
19. Dispositive Motion Deadline	*[45 days after expert discovery closes]*

B. Statement of Reason For Extending Scheduling in this Case

Several of the foregoing dates proposed by the parties have been extended by approximately 7 to 14 days from the default dates provided for in the Local Rules of Practice for Patent Cases. *See* LPR 1-4 — 1-22. The reason for this proposed extension is that this case is somewhat more complex than most patent cases because each party is raising cross-claims for patent infringement, with a total of 3 patents at issue.

C. Additional Provisions

1. Alternative Dispute Resolution:

The parties met and conferred about the possibility of using alternative dispute resolution processes and have agreed to conduct mediation before a professional mediator. As noted below, the parties will conduct this mediation within 30 days after the Court enters a Claim Construction Order.

2. Alternative Forms of Case Disposition:

The parties have considered trial by a magistrate judge and through the Short Trial Program, but prefer at this point to proceed before the District Judge.

3. Electronic Evidence:

The parties have discussed and will continue those discussions on the proper means to present evidence to the jurors for purposes of jury deliberations. The parties currently intend to present evidence in electronic format to jurors for purposes of jury deliberations.

4. Joint Protective Order:

The parties have exchanged a draft proposed stipulated protective order and are working to finalize that draft for submission to the Court for approval.

IT IS ORDERED that within **30 days** after the court enters a Claim Construction Order, the parties must submit to a Post-Claim Construction Settlement Conference as set by the court.

IT IS FURTHER ORDERED that any extensions of the discovery deadline will not be allowed without a showing of good cause for the extension. All motions or stipulations to extend discovery must be received by the court at least **21 days before the expiration of the subject deadline**. A request made after this date will not be granted unless the movant demonstrates that the failure to act was the result of excusable neglect. The motion or stipulation must include:

(a) A statement specifying the discovery completed by the parties as of the date of the motion or stipulation;

(b) A specific description of the discovery that remains to be completed;

(c) The reasons why the remaining discovery was not completed within the time limit of the existing discovery deadline; and

(d) A proposed schedule for the completion of all remaining discovery.

IT IS FURTHER ORDERED that, if no dispositive motions will be filed withing the time specified in this order, then the parties must file a written, joint proposed pretrial order within 30 days of the dispositive motion cutoff. If dispositive motions are filed, then the parties must file a written, joint proposed pretrial order within 30 days of the date the court enters a ruling on the last of the dispositive motions. Within 30 days of the entry of a pretrial order, or as further ordered by the court, the parties must submit to a pretrial settlement conference.

DATED: July 19, 2022.

WEIDE & MILLER, LTD.

/s/ F. Christopher Austin
F. Christopher Austin (SBN 6559)
10655 Park Run Drive, Suite 100
Las Vegas, NV 89144
Tel: (702) 382-4804
Fax: (702) 382-4805
Email: caustin@weidemiller.com

ONE LLP

Nathaniel L. Dilger (*pro hac vice*)
Peter R. Afrasiabi (*pro hac vice*)
William J. O'Brien (*pro hac vice*)
23 Corporate Plaza
Suite 150-105
Newport Beach, CA 92660
Email: ndilger@onellp.com
pafrasiabi@onellp.com
wobrien@onellp.com

Attorneys for Plaintiff FaceTec, Inc.

EVANS FEARS & SCHUTTERT LLP

/s/ Jay J. Schuttert
Jay J. Schuttert (SBN 8656)
David W. Gutke (SBN 9820)
6720 Via Austi Parkway, Suite 300
Las Vegas, NV 89119
Tel: (702) 805-0290
Fax: (702) 805-0291
Email: jschuttert@efstriallaw.com
dgutke@efstriallaw.com

COOLEY LLP

Stephen Smith (*pro hac vice*)
1299 Pennsylvania Avenue NW, Suite 700
Washington, DC 20004
Email: ssmith@cooley.com

Matthew J. Brigham (*pro hac vice*)
3175 Hanover Street
Palo Alto, CA 94306-2155
Email: mbrigham@cooley.com

Attorneys for Defendant iProov Ltd.

IT IS SO ORDERED

UNITED STATES MAGISTRATE JUDGE

Dated: July 20, 2022