Case Name	Docket No.	Scheduled Trial Date	Actual Trial Date	Delay (Days)	Sources (Dkt. Nos.)
Pardalis Tech. Licensing, LLC v. IBM	2:22-cv-00452	8/19/2024	9/20/2024	32	23; 274
Mojo Mobility Inc v. Samsung Elecs. Co., Ltd.	2:22-cv-00398	8/5/2024	9/6/2024	32	27; 292
Netlist, Inc. v. Micron Tech. Texas, LLC	2:22-cv-00294	4/15/2024	5/20/2024	28	65; 126
G+ Comms., LLC v. Samsung Elecs. Co., Ltd.	2:22-cv-00078	11/13/2023	1/19/2024	67	37; 292
Smart Path Connections, LLC v. Nokia Corp.	2:22-cv-00296	3/18/2024	4/1/2024	14	34; 574
Evolved Wireless, LLC v. Samsung Elecs. Co., Ltd.	2:21-cv-00033	10/16/2023	11/9/2023	24	40; 292
Ollnova Techs. Ltd. v. Ecobee, Inc.	2:22-cv-00072	9/11/2023	10/1/2023	20	37; 221

Appendix A - *Pardalis Tech. Licensing, L.L.C. v. Int'l Bus. Machs. Corp*., No. 2:22-cv-00452-JRG-RSP, Dkt. 23 (E.D. Tex. March 29, 2023) & *id*. Dkt. 274

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PARDALIS TECHNOLOGY LICENSING, L.L.C.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 2:22-CV-00452-JRG-RSP
	§	
INTERNATIONAL BUSINESS MACHINES CORPORATION,	§	
	§	
Defendant.	§	

DOCKET CONTROL ORDER

In accordance with the Joint Motion (**Dkt. No. 21**), it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Original Date	Amended Date	Event
August 19, 2024		*Jury Selection – 9:00 a.m. in **Marshall, Texas**
7 days before Jury Selection		*Defendant to disclose final invalidity theories, final prior art references/combinations, and final equitable defenses.
10 days before Jury Selection		*Plaintiff to disclose final election of Asserted Claims.
July 22, 2024		*If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date.[1]

[1] The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire.*

July 16, 2024		*Pretrial Conference – 1:30 p.m. in **Marshall, Texas** before Judge Roy Payne
July 8, 2024		*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions *in limine*. The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
July 8, 2024		*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions *in Limine*, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
July 1, 2024		*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 e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
June 24, 2024		File Motions *in Limine* The parties shall limit their motions *in limine* to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
June 24, 2024		Serve Objections to Rebuttal Pretrial Disclosures
June 17, 2024		Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
June 3, 2024		Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof

May 28, 2024	May 29, 2024	*Response to Dispositive Motions (including *Daubert* Motions). Responses to dispositive motions that were filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order.[2] Motions for Summary Judgment shall comply with Local Rule CV-56.
May 13, 2024	May 15, 2024	*File Motions to Strike Expert Testimony (including *Daubert* Motions) No motion to strike expert testimony (including a *Daubert* motion) may be filed after this date without leave of the Court.
May 13, 2024	May 15, 2024	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.
May 6, 2024	May 8, 2024	Deadline to Complete Expert Discovery
April 22, 2024	April 29, 2024	Serve Disclosures for Rebuttal Expert Witnesses
April 1, 2024	April 5, 2024	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
April 1, 2024	April 8, 2024	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
March 15, 2024		Comply with P.R. 3-7 (Opinion of Counsel Defenses)

[2] The parties are directed to Local Rule CV-7(d), which provides in part that "[a] party's failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion." If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

February 23, 2024		*Claim Construction Hearing – 9:00 a.m. in **Marshall, Texas** before Judge Roy Payne
February 9, 2024		*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
February 2, 2024		*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
January 26, 2024		Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
January 12, 2024		Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
January 12, 2024	January 19, 2024	Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
December 29, 2023	January 8, 2024	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
December 22, 2023		File Response to Amended Pleadings
December 8, 2023		*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
December 1, 2023		Comply with P.R. 4-3 (Joint Claim Construction Statement)
November 13, 2023		Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)

October 20, 2023		Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
April 25, 2023	May 9, 2023	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions[3]
April 25, 2023	May 9, 2023	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
April 4, 2023		*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.
March 28, 2023		*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.
March 21, 2023		Join Additional Parties
March 7, 2023		Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

(*) indicates a deadline that cannot be changed without an acceptable showing of good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Mediation: While certain cases may benefit from mediation, such may not be appropriate for every case. The Court finds that the Parties are best suited to evaluate whether mediation will benefit the case after the issuance of the Court's claim construction order. Accordingly, the Court **ORDERS** the Parties to file a Joint Notice indicating whether the case should be referred for mediation **within fourteen days of the issuance of the Court's claim construction order**. As a part of such Joint Notice, the Parties should indicate whether they have a mutually agreeable mediator for the Court to consider. If the Parties disagree about whether mediation is appropriate, the Parties should set forth a brief statement of their competing positions in the Joint Notice.

[3] http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf [https://perma.cc/RQN2-YU5P]

Summary Judgment Motions, Motions to Strike Expert Testimony, and *Daubert* Motions: For each motion, the moving party shall provide the Court with two (2) hard copies of the completed briefing (opening motion, response, reply, and if applicable, sur-reply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and must include the CM/ECF header. These copies shall be delivered to the Court within three (3) business days after briefing has completed. For expert-related motions, complete digital copies of the relevant expert report(s) and accompanying exhibits shall be submitted on a single flash drive to the Court. Complete digital copies of the expert report(s) shall be delivered to the Court no later than the dispositive motion deadline.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Lead Counsel: The Parties are directed to Local Rule CV-11(a)(1), which provides that "[o]n the first appearance through counsel, each party shall designate a lead attorney on the pleadings or otherwise." Additionally, once designated, a party's lead attorney may only be changed by the filing of a Motion to Change Lead Counsel and thereafter obtaining from the Court an Order granting leave to designate different lead counsel.

Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

(a) The fact that there are motions for summary judgment or motions to dismiss pending;

(b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;

(c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order ("DCO"): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

Proposed DCO: The Parties' Proposed DCO should also follow the format described above under "Amendments to the Docket Control Order ('DCO')."

Joint Pretrial Order: In the contentions of the Parties included in the Joint Pretrial Order, the Plaintiff shall specify all allegedly infringed claims that will be asserted at trial. The Plaintiff

shall also specify the nature of each theory of infringement, including under which subsections of 35 U.S.C. § 271 it alleges infringement, and whether the Plaintiff alleges divided infringement or infringement under the doctrine of equivalents. Each Defendant shall indicate the nature of each theory of invalidity, including invalidity for anticipation, obviousness, subject-matter eligibility, written description, enablement, or any other basis for invalidity. The Defendant shall also specify each prior art reference or combination of references upon which the Defendant shall rely at trial, with respect to each theory of invalidity. The contentions of the Parties may not be amended, supplemented, or dropped without leave of the Court based upon a showing of good cause.

Trial: All parties must appear in person at trial. All non-individual (including but not limited to corporate) parties must appear at trial through the presence in person of a designated representative. Once they have appeared, any representative of a non-individual party shall not be replaced or substituted without express leave of Court.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PARDALIS TECHNOLOGY LICENSING, LLC	§	
	§	
v.	§	**CASE NO. 2:22-CV-00452-JRG-RSP**
	§	
INTERNATIONAL BUSINESS MACHINES CORPORATION	§	
	§	

MINUTES FOR JURY SELECTION/JURY TRIAL DAY NO. 1
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
September 20, 2024

OPEN: 09:11 AM **ADJOURN: 05:00 PM**

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANT: See attached

LAW CLERKS: Brendan McLaughlin
Joshua Scheufler
Riley Zoch

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

TIME	MINUTE ENTRY
09:11 AM	Court opened.
09:11 AM	Court's greeting, introduction and preliminary remarks to Jury Pool.
09:23 AM	Court called for announcements from the parties.
09:24 AM	Court continued by providing case information and gave preliminary instructions to Jury Pool.
09:34 AM	Prospective Jurors began introduction of themselves.
09:57 AM	Court provided additional instructions to Jury Pool.
10:01 AM	*Voir dire* on behalf of Plaintiff by Mr. Davis.
10:32 AM	*Voir dire* on behalf of Defendant by Ms. Fair.
11:01 AM	Bench conference with counsel.
11:04 AM	Bench conference concluded.
11:04 AM	Court instructions provided to Jury Pool. Court requested specific juror(s) to remain in courtroom while remainder of Jury Pool recessed.
11:06 AM	Remainder of Jury Pool recessed.
11:08 AM	Counsel approached bench.

TIME	MINUTE ENTRY
11:08 AM	Strike conference began with specifically named juror(s).
11:20 AM	Strike conference concluded. Attorneys excused to exercise strikes.
11:21 AM	Recess.
11:52 AM	Court reconvened.
11:52 AM	Instructions given by the Court. Jurors selected.
11:57 AM	Remainder of Jury Pool excused.
11:57 AM	Jurors sworn.
11:58 AM	Additional instructions given by the Court.
12:15 PM	Jury recessed for lunch.
12:16 PM	Recess.
01:08 PM	Court reconvened.
01:09 PM	Court addressed use of demonstrative exhibit during opening statements.
01:10 PM	Jury returned to courtroom.
01:11 PM	Court gave preliminary instructions to Jury.
01:46 PM	Notebooks provided to Jury.
01:46 PM	Continuation of Court's preliminary instructions to Jury.
01:54 PM	Plaintiff's opening statement by Mr. Kimble.
02:22 PM	Defendant's opening statement by Mr. Oussayef.
02:52 PM	Opening statements concluded.
02:53 PM	Court provided an additional instruction to the Jury.
02:53 PM	Rule invoked to exclude expert witnesses.
02:55 PM	Jury recessed for break.
02:55 PM	Recess.
03:07 PM	Court reconvened.
03:07 PM	Jury returned to courtroom.
03:08 PM	Plaintiff's case-in-chief:
03:08 PM	Witness sworn.
03:08 PM	Direct examination of Mr. Steve Holcombe by Mr. Kimble.
04:20 PM	Cross examination of Mr. Steve Holcombe by Mr. Oussayef.
04:56 PM	Bench conference.
04:57 PM	Bench conference concluded.
04:57 PM	Court provided instructions to the Jury.
04:58 PM	Jury recessed for the day until 8:30 Monday morning.
04:59 PM	Court reminded the parties of their ongoing meet and confer obligations. Court will be available by 7:30 Monday morning to take up disputes.
05:00 PM	Court adjourned until Monday morning.

Appendix B - *Mojo Mobility Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:22-cv-00398-JRG-RSP, Dkt. 27 (E.D. Tex. March 28, 2023) & *id.*, Dkt. 292.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MOJO MOBILITY INC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 2:22-CV-00398-JRG-RSP
	§	
SAMSUNG ELECTRONICS CO. LTD., and SAMSUNG ELECTRONICS AMERICA, INC.,	§	
	§	
Defendants.	§	

DOCKET CONTROL ORDER

In accordance with the scheduling conference held in this case, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

Date	Event
August 5, 2024	*Jury Selection – 9:00 a.m. in **Marshall, Texas**
7 days before Jury Selection	*Defendant to disclose final invalidity theories, final prior art references/combinations, and final equitable defenses.[1]
10 days before Jury Selection	*Plaintiff to disclose final election of Asserted Claims.[2]
July 8, 2024	*If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date.[3]
July 1, 2024	*Pretrial Conference – 9:00 a.m. in **Marshall, Texas** before Judge Roy Payne

[1]The proposed DCO shall include this specific deadline. The deadline shall read, "7 days before Jury Selection," and shall not include a specific date.

[2]Given the Court's past experiences with litigants dropping claims and defenses during or on the eve of trial, the Court is of the opinion that these additional deadlines are necessary. The proposed DCO shall include this specific deadline. The deadline shall read, "10 days before Jury Selection," and shall not include a specific date.

[3]The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir* Dire.

June 24, 2024	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions *in limine*. The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
June 24, 2024	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions *in Limine*, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
June 17, 2024	*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 e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
June 10, 2024	File Motions *in Limine* The parties shall limit their motions *in limine* to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
June 10, 2024	Serve Objections to Rebuttal Pretrial Disclosures
June 3, 2024	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
May 20, 2024	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
May 13, 2024	*Response to Dispositive Motions (including *Daubert* Motions). Responses to dispositive motions that were filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order.[4] Motions for Summary Judgment shall comply with Local Rule CV-56.
April 29, 2024	*File Motions to Strike Expert Testimony (including *Daubert* Motions) No motion to strike expert testimony (including a *Daubert* motion) may be filed after this date without leave of the Court.

[4]The parties are directed to Local Rule CV-7 (d), which provides in part that "[a] party's failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion." If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

April 29, 2024	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.
April 22, 2024	Deadline to Complete Expert Discovery
April 8, 2024	Serve Disclosures for Rebuttal Expert Witnesses
March 18, 2024	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
March 18, 2024	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
February 27, 2024	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
February 6, 2024	*Claim Construction Hearing - 9:00 a.m. in **Marshall, Texas** before Judge Roy Payne
January 23, 2024	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
January 16, 2024	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
January 9, 2024	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
December 26, 2023	Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
December 19, 2023	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
December 5, 2023	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
December 5, 2023	File Response to Amended Pleadings
November 21, 2023	*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
November 7, 2023	Comply with P.R.4-3 (Joint Claim Construction Statement)
October 6, 2023	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)

September 22, 2023	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
April 25, 2023	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions[5]
April 25, 2023	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
April 4, 2023	*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.
March 28, 2023	*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.
March 21, 2023	Join Additional Parties
February 28, 2023	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

(*) indicates a deadline that cannot be changed without an acceptable showing of good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Mediation: While certain cases may benefit from mediation, such may not be appropriate for every case. The Court finds that the Parties are best suited to evaluate whether mediation will benefit the case after the issuance of the Court's claim construction order. Accordingly, the Court **ORDERS** the Parties to file a Joint Notice indicating whether the case should be referred for mediation **within fourteen days of the issuance of the Court's claim construction order**. As a part of such Joint Notice, the Parties should indicate whether they have a mutually agreeable mediator for the Court to consider. If the Parties disagree about whether mediation is appropriate, the Parties should set forth a brief statement of their competing positions in the Joint Notice.

Summary Judgment Motions, Motions to Strike Expert Testimony, and *Daubert* Motions: For each motion, the moving party shall provide the Court with two (2) hard copies of the completed briefing (opening motion, response, reply, and if applicable, sur-reply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and must include the CM/ECF header. These copies shall be delivered to the Court within three (3) business days after briefing has completed. For expert-related motions, complete digital copies of the relevant expert report(s) and accompanying exhibits shall be submitted on a single flash drive

[5] http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%200rder%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf [https://perma.cc/RQN2-YU5P]

to the Court. Complete digital copies of the expert report(s) shall be delivered to the Court no later than the dispositive motion deadline.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Lead Counsel: The Parties are directed to Local Rule CV-11(a)(1), which provides that "[o]n the first appearance through counsel, each party shall designate a lead attorney on the pleadings or otherwise." Additionally, once designated, a party's lead attorney may only be changed by the filing of a Motion to Change Lead Counsel and thereafter obtaining from the Court an Order granting leave to designate different lead counsel. The true lead counsel should be designated early and should not expect to parachute in as lead once the case has been largely developed.

Motions for Continuance: The following will not warrant a continuance nor justify a failure to comply with the discovery deadline:

(a) The fact that there are motions for summary judgment or motions to dismiss pending;

(b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;

(c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order ("DCO"): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

Proposed DCO: The Parties' Proposed DCO should also follow the format described above under "Amendments to the Docket Control Order ('DCO')."

Joint Pretrial Order: In the contentions of the Parties included in the Joint Pretrial Order, the Plaintiff shall specify all allegedly infringed claims that will be asserted at trial. The Plaintiff shall also specify the nature of each theory of infringement, including under which subsections of 35 U.S.C. §271 it alleges infringement, and whether the Plaintiff alleges divided infringement or infringement under the doctrine of equivalents. Each Defendant shall indicate the nature of each theory of invalidity, including invalidity for anticipation, obviousness, subject-matter eligibility, written description, enablement, or any other basis for invalidity. The Defendant shall also specify each prior art reference or combination of references upon which the Defendant shall rely at trial, with respect to each theory of invalidity. The contentions of the Parties may not be amended, supplemented, or dropped without leave of the Court based upon a showing of good cause.

Trial: All parties must appear in person at trial. All non-individual (including but not limited to corporate) parties must appear at trial through the presence in person of a designated representative. Once they have appeared, any representative of a non-individual party shall not be replaced or substituted without express leave of Court.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MOJO MOBILITY INC.	§	
	§	
v.	§	**CIVIL ACTION NO. 2:22-CV-00398-JRG**
	§	
SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG ELECTRONICS AMERICA, INC.	§	
	§	

MINUTES FOR JURY SELECTION/JURY TRIAL DAY NO. 1
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
September 6, 2024

OPEN: 09:12 AM **ADJOURN: 05:16 PM**

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANTS: See attached

LAW CLERKS: Amy Wann
Brendan McLaughlin
Riley Zoch

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

TIME	MINUTE ENTRY
09:12 AM	Court opened.
09:12 AM	Court's greeting, introduction and preliminary remarks to Jury Pool.
09:24 AM	Court called for announcements from the parties.
09:26 AM	Court continued by providing case information and gave preliminary instructions to Jury Pool.
09:35 AM	Prospective Jurors began introduction of themselves.
09:58 AM	Court provided additional instructions to Jury Pool.
10:02 AM	*Voir dire* on behalf of Plaintiff by Ms. Truelove.
10:33 AM	*Voir dire* on behalf of Defendants by Mr. Underwood.
11:03 AM	Bench conference with counsel.
11:06 AM	Bench conference concluded.
11:07 AM	Court instructions provided to Jury Pool. Court requested specific juror(s) to remain in courtroom while remainder of Jury Pool recessed.
11:09 AM	Remainder of Jury Pool recessed.
11:10 AM	Counsel approached bench.

TIME	MINUTE ENTRY
11:11 AM	Strike conference began with specifically named juror(s).
11:43 AM	Strike conference concluded. Attorneys excused to exercise strikes.
11:43 AM	Recess.
12:19 PM	Court reconvened.
12:19 PM	Instructions given by the Court. Jurors selected.
12:22 PM	Jurors sworn.
12:25 PM	Remainder of Jury Pool excused.
12:25 PM	Additional instructions given by the Court.
12:36 PM	Jury recessed for lunch.
12:37 PM	Issue addressed by the Court as set forth in the record.
12:40 PM	Recess.
01:24 PM	Court reconvened.
01:27 PM	Jury returned to courtroom.
01:27 PM	Court gave preliminary instructions to Jury.
02:02 PM	Notebooks provided to Jury.
02:11 PM	Plaintiff's opening statement by Mr. Pollinger.
02:42 PM	Defendants' opening statement by Mr. Unikel.
03:12 PM	Opening statements concluded.
03:13 PM	Jury recessed for break.
03:13 PM	Rule invoked to exclude expert witnesses and corporate representatives.
03:14 PM	Recess.
03:27 PM	Court reconvened.
03:27 PM	Bench conference.
03:28 PM	Bench conference concluded.
03:28 PM	Jury returned to courtroom.
03:28 PM	Plaintiff's case-in-chief:
03:28 PM	Witness sworn.
03:29 PM	Direct examination of Dr. Afshin Partovi by Mr. Pollinger.
03:35 PM	Bench conference.
03:36 PM	Bench conference concluded.
03:36 PM	Continuation direct examination of Dr. Partovi.
03:41 PM	Bench conference.
03:46 PM	Bench conference concluded.
03:47 PM	Continuation direct examination of Dr. Partovi.
04:36 PM	Bench conference.
04:36 PM	Bench conference concluded.
04:36 PM	Continuation direct examination of Dr. Partovi.
05:13 PM	Court provided instructions to the Jury.
05:15 PM	Jury recessed for the day until 8:30 AM Monday morning.
05:15 PM	Court reminded the parties of their ongoing meet and confer obligations. Court will be available by 7:30 AM Monday morning to take up disputes.
05:16 PM	Court adjourned until Monday morning.

Appendix C -*Netlist, Inc. v. Micron Tech., Inc*., No. 2:22-cv-294-JRG, Dkt. Control Order, ECF No. 55, filed in No. 2:22-cv-293-JRG (E.D. Tex. Dec. 2, 2022) & *Netlist, Inc. v. Micron Tech. Tex., LLC*, No. 2:22-cv-00294-JRG, Dkt. 126 (E.D. Tex. May 20, 2024)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC., Plaintiff, vs. SAMSUNG ELECTRONICS CO, LTD; SAMSUNG ELECTRONICS AMERICA, INC.; SAMSUNG SEMICONDUCTOR INC., Defendants.	))))))))))))	Case No. 2:22-cv-293-JRG JURY TRIAL DEMANDED (Lead Case)
NETLIST, INC., Plaintiff, vs. MICRON TECHNOLOGY, INC.; MICRON SEMICONDUCTOR PRODUCTS, INC.; MICRON TECHNOLOGY TEXAS LLC, Defendants.	))))))))))))	Case No. 2:22-cv-294-JRG JURY TRIAL DEMANDED

DOCKET CONTROL ORDER

In accordance with the scheduling conference held in this case, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this court.er date that requires a showing of good cause.

Court's Deadlines	**Items**
April 15, 2024	*Jury Selection – 9:00 a.m. in **Marshall, Texas**
7 days before Jury Selection	*Defendant to disclose final invalidity theories, final prior art references/combinations, and final equitable defenses
10 days before Jury Selection	*Plaintiff to disclose final election of asserted claims

March 18, 2024	* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date.[1]
March 11, 2024	* Pretrial Conference – 9:00 am in **Marshall, Texas** before Judge Rodney Gilstrap.
March 4, 2024	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions *in limine*. The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
March 4, 2024	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions *in Limine*, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
February 26, 2024	*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 e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
February 20, 2024	File Motions *in Limine* The parties shall limit their motions *in limine* to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
February 20, 2024	Serve Objections to Rebuttal Pretrial Disclosures
February 12, 2024	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
January 29, 2024	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
January 22, 2024	*Response to Dispositive Motions (including *Daubert* Motions). Responses to dispositive motions that were filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order.[2] Motions for Summary Judgment shall comply with Local Rule CV-56.

1The parties are referred to the Court's Standing Order Regarding Use of Juror Questionnairs in Advance of *Voir Dire*.

2The parties are directed to Local Rule CV-7(d), which provides in part that "[a] party's failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion." If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

January 8, 2024	*File Motions to Strike Expert Testimony (including *Daubert* Motions) No motion to strike expert testimony (including a *Daubert* motion) may be filed after this date without leave of the Court.
January 8, 2024	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.
December 23, 2023	Deadline to Complete Expert Discovery
December 11, 2023	Serve Disclosures for Rebuttal Expert Witnesses
November 13, 2023	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
November 13, 2023	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
October 26, 2023	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
October 5, 2023	*Claim Construction Hearing – 9:00 a.m. in **Marshall, Texas** before Judge Rodney Gilstrap
September 21, 2023	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
September 14, 2023	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
September 7, 2023	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
August 24, 2023	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
August 24, 2023	Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are

	available and not wait until the substantial completion deadline.
August 10, 2023	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
August 3, 2023	File Response to Amended Pleadings
July 20, 2023	*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
July 13, 2023	Comply with P.R. 4-3 (Joint Claim Construction Statement)
June 22, 2023	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
June 1, 2023	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
December 29, 2022	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions
January 26, 2023	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
December 8, 2022	*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.
December 1, 2022	*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.
November 25, 2022	Join Additional Parties
November 17, 2022	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Mediation: While certain cases may benefit from mediation, such may not be appropriate for every case. The Court finds that the Parties are best suited to evaluate whether mediation will benefit the case after the issuance of the Court's claim construction order. Accordingly, the Court **ORDERS** the Parties to file a Joint Notice indicating whether the case should be referred for mediation **within fourteen days of the issuance of the Court's claim construction order**. As a part of such Joint Notice, the Parties should indicate whether they have a mutually agreeable mediator for the Court to consider. If the Parties disagree about whether mediation is appropriate, the Parties should set forth a brief statement of their competing positions in the Joint Notice.

Summary Judgment Motions, Motions to Strike Expert Testimony, and *Daubert* Motions: For each motion, the moving party shall provide the Court with two (2) hard copies of the completed briefing (opening motion, response, reply, and if applicable, sur-reply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and must include the CM/ECF header. These copies shall be delivered to the Court within three (3) business days after briefing has completed. For expert-related motions, complete digital copies of the relevant expert report(s) and accompanying exhibits shall be submitted on a single flash drive to the Court. Complete digital copies of the expert report(s) shall be delivered to the Court no later than the dispositive motion deadline.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Lead Counsel: The Parties are directed to Local Rule CV-11(a)(1), which provides that "[o]n the first appearance through counsel, each party shall designate a lead attorney on the pleadings or otherwise." Additionally, once designated, a party's lead attorney may only be changed by the filing of a Motion to Change Lead Counsel and thereafter obtaining from the Court an Order granting leave to designate different lead counsel. The true lead counsel should be designated early and should not expect to parachute in as lead once the case has been largely developed.

Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

(a) The fact that there are motions for summary judgment or motions to dismiss pending;

(b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;

(c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order ("DCO"): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no

change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

Proposed DCO: The Parties' Proposed DCO should also follow the format described above under "Amendments to the Docket Control Order ('DCO')."

Joint Pretrial Order: In the contentions of the Parties included in the Joint Pretrial Order, the Plaintiff shall specify all allegedly infringed claims that will be asserted at trial. The Plaintiff shall also specify the nature of each theory of infringement, including under which subsections of 35 U.S.C. § 271 it alleges infringement, and whether the Plaintiff alleges divided infringement or infringement under the doctrine of equivalents. Each Defendant shall indicate the nature of each theory of invalidity, including invalidity for anticipation, obviousness, subject-matter eligibility, written description, enablement, or any other basis for invalidity. The Defendant shall also specify each prior art reference or combination of references upon which the Defendant shall rely at trial, with respect to each theory of invalidity. The contentions of the Parties may not be amended, supplemented, or dropped without leave of the Court based upon a showing of good cause.

Trial: All parties must appear in person at trial. All non-individual (including but not limited to corporate) parties must appear at trial through the presence in person of a designated representative. Once they have appeared, any representative of a non-individual party shall not be replaced or substituted without express leave of Court.

So Ordered this

Dec 2, 2022

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.	§	
	§	
v.	§	
	§	**CIVIL ACTION NO. 2:22-CV-00294-JRG**
MICRON TECHNOLOGY, INC., MICRON SEMICONDUCTOR PRODUCTS, INC., and MICRON TECHNOLOGY TEXAS LLC	§	
	§	
	§	

MINUTES FOR JURY SELECTION/JURY TRIAL DAY NO. 1
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
May 20, 2024

OPEN: 09:21 AM **ADJOURN: 06:21 PM**

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANTS: See attached

LAW CLERKS: Dylan Freeman
Brendan McLaughlin
Amy Wann

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

TIME	MINUTE ENTRY
09:21 AM	Court opened.
09:21 AM	Court's greeting, introduction and preliminary remarks to Jury Pool.
09:34 AM	Court called for announcements from the parties.
09:35 AM	Court continued by providing case information and gave preliminary instructions to Jury Pool.
09:44 AM	Prospective Jurors began introduction of themselves.
10:09 AM	Court provided additional instructions to Jury Pool.
10:13 AM	*Voir dire* on behalf of Plaintiff by Ms. Truelove.
10:44 AM	*Voir dire* on behalf of Defendants by Mr. Hill.
11:14 AM	Bench conference with counsel.
11:14 AM	Bench conference concluded.
11:17 AM	Court instructions provided to Jury Pool. Court requested specific juror(s) to remain in courtroom while remainder of Jury Pool recessed.
11:20 AM	Remainder of Jury Pool recessed.
11:21 AM	Counsel approached bench.

TIME	MINUTE ENTRY
11:22 AM	Strike conference began with specifically named juror(s).
11:49 AM	Strike conference concluded. Attorneys excused to exercise strikes.
11:50 AM	Recess.
12:17 PM	Court reconvened.
12:17 PM	Instructions given by the Court. Jurors selected.
12:20 PM	Jurors sworn.
12:23 PM	Remainder of Jury Pool excused.
12:24 PM	Additional instructions given by the Court.
12:43 PM	Jury recessed for lunch.
12:43 PM	Court instructed parties to continue with meet and confer efforts re: unresolved disputes re: objections to demonstratives.
12:46 PM	Recess.
01:42 PM	Court reconvened.
01:42 PM	Counsel provided update to the Court re: meet and confer efforts re: objections to demonstratives.
01:43 PM	Jury returned to courtroom.
01:44 PM	Court gave preliminary instructions to Jury.
02:18 PM	Notebooks provided to Jury.
02:18 PM	Continuation of Court's preliminary instructions to Jury.
02:25 PM	Bench conference.
02:26 PM	Bench conference concluded.
02:26 PM	Court provided explanation to Jury re: oversight during preliminary instructions.
02:27 PM	Plaintiff's opening statement by Mr. Sheasby.
02:56 PM	Defendants' opening statement by Mr. Melsheimer.
03:24 PM	Opening statements concluded.
03:24 PM	Rule invoked to exclude expert witnesses.
03:25 PM	Plaintiff's case-in-chief:
03:25 PM	Witness sworn.
03:26 PM	Direct examination of Mr. Scott Milton by Mr. Sheasby.
03:51 PM	Bench conference.
03:52 PM	Bench conference concluded.
03:52 PM	Continuation direct examination of Mr. Scott Milton by Mr. Sheasby.
04:15 PM	Jury recessed for break.
04:15 PM	Recess.
04:29 PM	Court reconvened.
04:29 PM	Court requested update from counsel re: unresolved disputes.
04:31 PM	Jury returned to courtroom.
04:31 PM	Cross examination of Mr. Scott Milton by Mr. Melsheimer.
05:16 PM	Redirect examination of Mr. Scott Milton by Mr. Sheasby.
05:27 PM	Recross examination of Mr. Scott Milton by Mr. Melsheimer.
05:30 PM	Completion of testimony of Mr. Scott Milton.
05:31 PM	Witness sworn.
05:32 PM	Direct examination of Mr. Noel Whitley by Ms. Truelove.
05:44 PM	Cross examination of Mr. Noel Whitley by Mr. Hill.
05:58 PM	Bench conference.

TIME	MINUTE ENTRY
06:04 PM	Bench conference concluded.
06:04 PM	Continuation cross examination of Mr. Noel Whitley by Mr. Hill.
06:10 PM	Redirect examination of Mr. Noel Whitley by Ms. Truelove.
06:12 PM	Recross examination of Mr. Noel Whitley by Mr. Hill.
06:12 PM	Completion of testimony of Mr. Noel Whitley.
06:12 PM	Court provided instructions to the Jury.
06:15 PM	Jury recessed for the day until 8:30 AM tomorrow morning.
06:16 PM	Court addressed unresolved disputes re: objections to deposition designations.
06:17 PM	Counsel provided update. Court to CARRY ruling.
06:17 PM	Court instructed counsel to continue with meet and confer efforts.
06:17 PM	Mr. Sheasby presented an issue and the Court made rulings as set forth in the record.
06:20 PM	Court encouraged the parties to continue with meet and confer efforts. Court will be available by 7:30 AM tomorrow morning to take up unresolved disputes.
06:21 PM	Court adjourned.

Appendix D - *Smart Path Connections, LLC v. Nokia Corp*., No. 2:22-cv-00296-JRG-RSP, Dkt. 37 (E.D. Tex. Dec. 10, 2022) & *id*. Dkt. 292

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SMART PATH CONNECTIONS, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 2:22-cv-00296-JRG-RSP
	§	
NOKIA CORPORATION, ET AL.,	§	
	§	
Defendants.	§	

DOCKET CONTROL ORDER

In accordance with the scheduling conference held in this case, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Original Deadline	Amended Deadline	Event
March 18, 2024		*Jury Selection – 9:00 a.m. in **Marshall, Texas**
7 days before Jury Selection		*Defendant to disclose final invalidity theories, final prior art references/combinations, and final equitable defenses.[1]
10 days before Jury Selection		*Plaintiff to disclose final election of Asserted Claims.[2]

[1] The proposed DCO shall include this specific deadline. The deadline shall read, "7 days before Jury Selection," and shall not include a specific date.

[2] Given the Court's past experiences with litigants dropping claims and defenses during or on the eve of trial, the Court is of the opinion that these additional deadlines are necessary. The proposed DCO shall include this specific deadline. The deadline shall read, "10 days before Jury Selection," and shall not include a specific date.

February 20, 2024		* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date.[3]
February 14, 2024		*Pretrial Conference – 1:30 p.m. in **Marshall, Texas** before Judge Roy Payne
February 5, 2024		*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions *in limine*. The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
February 5, 2024		*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions *in Limine*, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
January 29, 2024		*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 e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
January 22, 2024	January 31, 2024	File Motions *in Limine* The parties shall limit their motions *in limine* to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
January 22, 2024	January 31, 2024	Serve Objections to Rebuttal Pretrial Disclosures

[3] The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire.*

January 16, 2024	January 23, 2024	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
January 5, 2024	January 11, 2024	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
January 3, 2024		*Response to Dispositive Motions (including *Daubert* Motions). Responses to dispositive motions that were filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order.[4] Motions for Summary Judgment shall comply with Local Rule CV-56.
December 11, 2023		*File Motions to Strike Expert Testimony (including *Daubert* Motions) No motion to strike expert testimony (including a *Daubert* motion) may be filed after this date without leave of the Court.
December 11, 2023		*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.
December 4, 2023	December 8, 2023	Deadline to Complete Expert Discovery
November 20, 2023	November 29, 2023	Serve Disclosures for Rebuttal Expert Witnesses

[4] The parties are directed to Local Rule CV-7(d), which provides in part that "[a] party's failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion." If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

October 30, 2023	October 30, 2023	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
October 30, 2023	November 6, 2023	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
September 29, 2023		Comply with P.R. 3-7 (Opinion of Counsel Defenses)
September 8, 2023		*Claim Construction Hearing – 9:00 a.m. in **Marshall, Texas** before Judge Roy Payne
August 25, 2023		*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
August 18, 2023		*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
August 11, 2023	August 10, 2023	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
July 28, 2023	July 27, 2023	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
July 28, 2023	August 3, 2023	Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
July 14, 2023		Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
July 7, 2023		File Response to Amended Pleadings
June 23, 2023		*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.

June 16, 2023		Comply with P.R. 4-3 (Joint Claim Construction Statement)
May 26, 2023		Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
May 5, 2023		Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
December 29, 2022	January 20, 2023	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions[5]
January 19, 2023	January 20, 2023	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
December 8, 2022	December 15, 2022	*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.
December 1, 2022		*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.
November 25, 2022		Join Additional Parties
November 29, 2022		Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

[5] http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf [https://perma.cc/RQN2-YU5P]

(*) indicates a deadline that cannot be changed without an acceptable showing of good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Mediation: While certain cases may benefit from mediation, such may not be appropriate for every case. The Court finds that the Parties are best suited to evaluate whether mediation will benefit the case after the issuance of the Court's claim construction order. Accordingly, the Court **ORDERS** the Parties to file a Joint Notice indicating whether the case should be referred for mediation **within fourteen days of the issuance of the Court's claim construction order**. As a part of such Joint Notice, the Parties should indicate whether they have a mutually agreeable mediator for the Court to consider. If the Parties disagree about whether mediation is appropriate, the Parties should set forth a brief statement of their competing positions in the Joint Notice.

Summary Judgment Motions, Motions to Strike Expert Testimony, and *Daubert* Motions: For each motion, the moving party shall provide the Court with two (2) hard copies of the completed briefing (opening motion, response, reply, and if applicable, sur-reply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and must include the CM/ECF header. These copies shall be delivered to the Court within three (3) business days after briefing has completed. For expert-related motions, complete digital copies of the relevant expert report(s) and accompanying exhibits shall be submitted on a single flash drive to the Court. Complete digital copies of the expert report(s) shall be delivered to the Court no later than the dispositive motion deadline.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Lead Counsel: The Parties are directed to Local Rule CV-11(a)(1), which provides that "[o]n the first appearance through counsel, each party shall designate a lead attorney on the pleadings or otherwise." Additionally, once designated, a party's lead attorney may only be changed by the filing of a Motion to Change Lead Counsel and thereafter obtaining from the Court an Order granting leave to designate different lead counsel. The true lead counsel should be designated early and should not expect to parachute in as lead once the case has been largely developed.

Motions for Continuance: The following will not warrant a continuance nor justify a failure to comply with the discovery deadline:

(a) The fact that there are motions for summary judgment or motions to dismiss pending;

(b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;

(c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order ("DCO"): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

Proposed DCO: The Parties' Proposed DCO should also follow the format described above under "Amendments to the Docket Control Order ('DCO')."

Joint Pretrial Order: In the contentions of the Parties included in the Joint Pretrial Order, the Plaintiff shall specify all allegedly infringed claims that will be asserted at trial. The Plaintiff shall also specify the nature of each theory of infringement, including under which subsections of 35 U.S.C. § 271 it alleges infringement, and whether the Plaintiff alleges divided infringement or infringement under the doctrine of equivalents. Each Defendant shall indicate the nature of each theory of invalidity, including invalidity for anticipation, obviousness, subject-matter eligibility, written description, enablement, or any other basis for invalidity. The Defendant shall also specify each prior art reference or combination of references upon which the Defendant shall rely at trial, with respect to each theory of invalidity. The contentions of the Parties may not be amended, supplemented, or dropped without leave of the Court based upon a showing of good cause.

Trial: All parties must appear in person at trial. All non-individual (including but not limited to corporate) parties must appear at trial through the presence in person of a designated representative. Once they have appeared, any representative of a non-individual party shall not be replaced or substituted without express leave of Court.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SMART PATH CONNECTIONS LLC	§	
	§	
v.	§	**CASE NO. 2:22-CV-00296-JRG-RSP**
	§	
NOKIA OF AMERICA CORPORATION	§	

MINUTES FOR JURY SELECTION/JURY TRIAL DAY NO. 1
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
April 1, 2024

OPEN: 09:04 AM **ADJOURN: 05:36 PM**

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANT: See attached

LAW CLERKS: Christian Tatum
Joshua Scheufler
Dylan Freeman

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

TIME	MINUTE ENTRY
09:04 AM	Court opened.
09:05 AM	Court's greeting, introduction and preliminary remarks to Jury Pool.
09:17 AM	Court called for announcements from the parties.
09:18 AM	Court continued by providing case information and gave preliminary instructions to Jury Pool.
09:27 AM	Prospective Jurors began introduction of themselves.
09:52 AM	Court provided additional instructions to Jury Pool.
09:55 AM	*Voir dire* on behalf of Plaintiff by Mr. Bennett.
10:23 AM	*Voir dire* on behalf of Defendant by Mr. Dacus.
10:52 AM	Bench conference with counsel.
10:54 AM	Bench conference concluded.
10:54 AM	Court instructions provided to Jury Pool. Court requested specific juror(s) to remain in courtroom while remainder of Jury Pool recessed.
10:57 AM	Remainder of Jury Pool recessed.
10:58 AM	Counsel approached bench.
10:59 AM	Strike conference began with specifically named juror(s).
11:20 AM	Strike conference concluded. Attorneys excused to exercise strikes.

TIME	MINUTE ENTRY
11:20 AM	Recess.
11:50 AM	Court reconvened.
11:51 AM	Instructions given by the Court. Jurors selected.
11:56 AM	Remainder of Jury Pool excused.
11:57 AM	Jurors sworn.
11:58 AM	Additional instructions given by the Court.
12:12 PM	Jury recessed for lunch.
12:13 PM	Recess.
12:52 PM	Court reconvened.
12:52 PM	Jury returned to courtroom.
12:53 PM	Court gave preliminary instructions to Jury.
01:32 PM	Notebooks provided to Jury.
01:32 PM	Continuation of Court's preliminary instructions to Jury.
01:46 PM	Rule invoked to exclude expert witnesses.
01:47 PM	Plaintiff's opening statement by Ms. Stahl.
02:18 PM	Defendant's opening statement by Mr. Dacus.
02:46 PM	Opening statements concluded.
02:47 PM	Jury recessed for break.
02:48 PM	Recess.
03:08 PM	Court reconvened.
03:10 PM	Jury returned to courtroom.
03:10 PM	Plaintiff's case-in-chief:
03:10 PM	Witness sworn.
03:11 PM	Direct examination of Mr. Izhak Tamir by Mr. Bennett.
03:38 PM	Without objection, Court admitted Plaintiff's Exhibit 25-4.
03:38 PM	Continuation direct examination of Mr. Izhak Tamir by Mr. Bennett.
03:39 PM	Without objection, Court admitted Plaintiff's Exhibit 25-1.
03:40 PM	Continuation direct examination of Mr. Izhak Tamir by Mr. Bennett.
03:40 PM	Without objection, Court admitted Plaintiff's Exhibit 25-5.
03:40 PM	Continuation direct examination of Mr. Izhak Tamir by Mr. Bennett.
03:45 PM	Without objection, Court admitted Plaintiff's Exhibit 25-2.
03:45 PM	Continuation direct examination of Mr. Izhak Tamir by Mr. Bennett.
03:46 PM	Without objection, Court admitted Plaintiff's Exhibit 25-3.
03:46 PM	Continuation direct examination of Mr. Izhak Tamir by Mr. Bennett.
04:03 PM	Jury recessed for break.
04:04 PM	Recess.
04:15 PM	Court reconvened.
04:16 PM	Discussion held re: introduction of Defendant's Exhibit DX 0036.
04:17 PM	Jury returned to courtroom.
04:18 PM	Cross examination of Mr. Izhak Tamir by Mr. Haynes.
04:57 PM	Without objection, Court admitted Defendant's Exhibit DX 37(a).
04:58 PM	Continuation cross examination of Mr. Izhak Tamir by Mr. Haynes.
05:01 PM	Court provided explanation to Jury re: physical evidence Exhibit DX 0036 and read into the record the parties' stipulation re: same.
05:02 PM	Physical version of Defendant's Exhibit DX 0036 provided to Mr. Izhak Tamir.

TIME	MINUTE ENTRY
05:02 PM	Continuation cross examination of Mr. Izhak Tamir by Mr. Haynes.
05:06 PM	Redirect examination of Mr. Izhak Tamir by Mr. Bennett.
05:30 PM	Recross examination of Mr. Izhak Tamir by Mr. Haynes.
05:32 PM	Completion of testimony of Mr. Izhak Tamir.
05:33 PM	Court provided instructions to the Jury.
05:34 PM	Jury recessed for the day until 8:30 AM tomorrow morning.
05:35 PM	Court reminded the parties to continue with their meet and confer obligations. Court will be available by 7:30 AM tomorrow morning to take up any overnight disputes.
05:36 PM	Court adjourned.

Appendix E - G+ *Commc'ns, LLC v. Samsung Elecs. Co., Ltd.*, No. 2:22-cv-00078-JRG, Dkt. 34 (E.D. Tex. Aug. 3, 2022) & *id.*, Dkt. 574

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

G+ COMMUNICATIONS, LLC	§	
	§	
v.	§	Case No. 2:22-CV-0078-JRG
	§	
SAMSUNG ELECTRONICS CO., LTD., ET AL.	§	

DOCKET CONTROL ORDER

In accordance with the scheduling conference held in this case, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Monday, November 13, 2023	*Jury Selection – 9:00 a.m. in **Marshall, Texas**
Monday, October 16, 2023	* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date.[1]
Tuesday, October 10, 2023	*Pretrial Conference – 9:00 a.m in **Marshall, Texas** before Judge Rodney Gilstrap
Monday, October 2, 2023	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions *in limine*. The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
Monday, October 2, 2023	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions *in Limine*, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations

[1] The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire.*

Monday, September 25, 2023	*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 e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
Wednesday, September 20, 2023	File Motions *in Limine* The parties shall limit their motions *in limine* to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
Wednesday, September 20, 2023	Serve Objections to Rebuttal Pretrial Disclosures
Wednesday, September 13, 2023	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
Wednesday, August 30, 2023	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
Monday, August 21, 2023	*Response to Dispositive Motions (including *Daubert* Motions). Responses to dispositive motions that were filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order.[2] Motions for Summary Judgment shall comply with Local Rule CV-56.
Monday, August 7, 2023	*File Motions to Strike Expert Testimony (including *Daubert* Motions) No motion to strike expert testimony (including a *Daubert* motion) may be filed after this date without leave of the Court.

[2] The parties are directed to Local Rule CV-7(d), which provides in part that "[a] party's failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion." If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

Monday, August 7, 2023	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.
Monday, July 31, 2023	Deadline to Complete Expert Discovery
Wednesday, July 19, 2023	Serve Disclosures for Rebuttal Expert Witnesses
Wednesday, June 28, 2023	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
Wednesday, June 28, 2023	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
Wednesday, June 14, 2023	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
Wednesday, May 24, 2023	*Claim Construction Hearing – 9:00 a.m. in **Marshall, Texas** before Judge Rodney Gilstrap
Wednesday, May 10, 2023	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
Wednesday, May 3, 2023	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
Wednesday, April 26, 2023	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
Wednesday, April 12, 2023	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).

Wednesday, April 12, 2023	Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
Wednesday, March 29, 2023	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
Wednesday, March 22, 2023	File Response to Amended Pleadings
Wednesday, March 8, 2023	*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
Wednesday, March 1, 2023	Comply with P.R. 4-3 (Joint Claim Construction Statement)
Wednesday, February 8, 2023	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
Wednesday, January 18, 2023	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
Tuesday, August 30, 2022	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions[3]
Tuesday, August 30, 2022	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
Tuesday, August 9, 2022	*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.

[3] http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf [https://perma.cc/RQN2-YU5P]

Tuesday, August 2, 2022	*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.
Tuesday, July 26, 2022	Join Additional Parties
Tuesday, July 5, 2022	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Mediation: While certain cases may benefit from mediation, such may not be appropriate for every case. The Court finds that the Parties are best suited to evaluate whether mediation will benefit the case after the issuance of the Court's claim construction order. Accordingly, the Court **ORDERS** the Parties to file a Joint Notice indicating whether the case should be referred for mediation **within fourteen days of the issuance of the Court's claim construction order**. As a part of such Joint Notice, the Parties should indicate whether they have a mutually agreeable mediator for the Court to consider. If the Parties disagree about whether mediation is appropriate, the Parties should set forth a brief statement of their competing positions in the Joint Notice.

Summary Judgment Motions, Motions to Strike Expert Testimony, and *Daubert* Motions: For each motion, the moving party shall provide the Court with two (2) hard copies of the completed briefing (opening motion, response, reply, and if applicable, sur-reply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and must include the CM/ECF header. These copies shall be delivered to the Court within three (3) business days after briefing has completed. For expert-related motions, complete digital copies of the relevant expert report(s) and accompanying exhibits shall be submitted on a single flash drive to the Court. Complete digital copies of the expert report(s) shall be delivered to the Court no later than the dispositive motion deadline.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Lead Counsel: The Parties are directed to Local Rule CV-11(a)(1), which provides that "[o]n the first appearance through counsel, each party shall designate a lead attorney on the pleadings or otherwise." Additionally, once designated, a party's lead attorney may only be changed by the filing of a Motion to Change Lead Counsel and thereafter obtaining from the Court an Order granting leave to designate different lead counsel.

Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

(a) The fact that there are motions for summary judgment or motions to dismiss pending;

(b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;

(c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order ("DCO"): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

Proposed DCO: The Parties' Proposed DCO should also follow the format described above under "Amendments to the Docket Control Order ('DCO')."

Joint Pretrial Order: In the contentions of the Parties included in the Joint Pretrial Order, the Plaintiff shall specify all allegedly infringed claims that will be asserted at trial. The Plaintiff shall also specify the nature of each theory of infringement, including under which subsections of 35 U.S.C. § 271 it alleges infringement, and whether the Plaintiff alleges divided infringement or infringement under the doctrine of equivalents. Each Defendant shall indicate the nature of each theory of invalidity, including invalidity for anticipation, obviousness, subject-matter eligibility, written description, enablement, or any other basis for invalidity. The Defendant shall also specify each prior art reference or combination of references upon which the Defendant shall rely at trial, with respect to each theory of invalidity. The contentions of the Parties may not be amended, supplemented, or dropped without leave of the Court based upon a showing of good cause.

So Ordered this

Aug 3, 2022

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

G+ COMMUNICATIONS, LLC	§	
	§	
v.	§	**CIVIL ACTION NO. 2:22-CV-00078-JRG**
	§	
SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG ELECTRONICS AMERICA, INC.	§	
	§	

MINUTES FOR JURY SELECTION/JURY TRIAL DAY NO. 1
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
January 19, 2024

OPEN: 09:33 AM **ADJOURN: 05:41 PM**

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANTS: See attached

LAW CLERKS: Jeffrey Jacobsen
Christian Tatum
Dallas Jackson

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

TIME	MINUTE ENTRY
09:33 AM	Court opened.
09:34 AM	Court's greeting, introduction and preliminary remarks to Jury Pool.
09:45 AM	Court called for announcements from the parties.
09:46 AM	Court continued by providing case information and gave preliminary instructions to Jury Pool.
09:56 AM	Prospective Jurors began introduction of themselves.
10:19 AM	Court provided additional instructions to Jury Pool.
10:22 AM	*Voir dire* on behalf of Plaintiff by Ms. Truelove.
10:53 AM	*Voir dire* on behalf of Defendants by Ms. Smith.
11:22 AM	Bench conference with counsel.
11:24 AM	Bench conference concluded.
11:24 AM	Court instructions provided to Jury Pool. Court requested specific juror(s) to remain in courtroom while remainder of Jury Pool recessed.
11:27 AM	Remainder of Jury Pool recessed.
11:28 AM	Counsel approached bench.

TIME	MINUTE ENTRY
11:29 AM	Strike conference began with specifically named juror(s).
12:07 PM	Strike conference concluded. Attorneys excused to exercise strikes.
12:07 PM	Recess.
12:40 PM	Court reconvened.
12:40 PM	Bench conference with counsel.
12:45 PM	Bench conference concluded.
12:45 PM	Instructions given by the Court. Jurors selected.
12:48 PM	Jurors sworn.
12:51 PM	Remainder of Jury Pool excused.
12:52 PM	Additional instructions given by the Court.
01:03 PM	Jury recessed for lunch.
01:04 PM	Recess.
01:49 PM	Court reconvened.
01:50 PM	Issue raised by Mr. Cordell on behalf of Defendants and addressed by the Court as set forth in the record.
01:52 PM	Jury returned to courtroom.
01:53 PM	Court gave preliminary instructions to Jury.
02:35 PM	Notebooks provided to Jury.
02:36 PM	Continuation of Court's preliminary instructions to Jury.
02:44 PM	Plaintiff's opening statement by Mr. Sheasby.
02:48 PM	Due to technical difficulties, Jury returned to jury room.
02:49 PM	Off the record.
02:54 PM	On the record.
02:54 PM	Jury returned to courtroom.
02:56 PM	Mr. Sheasby to begin again Plaintiff's opening statement.
03:23 PM	Bench conference.
03:31 PM	Bench conference concluded.
03:31 PM	Defendants' opening statement by Mr. Cordell.
04:02 PM	Opening statements concluded.
04:02 PM	With respect to opening statements, Court provided clarifying instructions to the Jury.
04:04 PM	Rule invoked to exclude expert witnesses.
04:05 PM	Bench conference.
04:07 PM	Bench conference concluded.
04:07 PM	Jury recessed for break.
04:08 PM	Recess.
04:38 PM	Court reconvened.
04:38 PM	Jury returned to courtroom.
04:38 PM	Plaintiff's case-in-chief:
04:39 PM	Witness sworn.
04:39 PM	Direct examination of Mr. Jeremy Pitcock by Mr. Sheasby.
05:30 PM	Bench conference.
05:31 PM	Bench conference concluded.
05:32 PM	Court provided instructions to the Jury.
05:36 PM	Jury recessed for the day until 8:30 AM Monday morning.

TIME	MINUTE ENTRY
05:36 PM	Court reminded the parties of their ongoing meet and confer obligations. Court will be available by 7:30 AM Monday morning to take up disputes.
05:41 PM	Court adjourned until Monday morning.

Appendix F - *Evolved Wireless, LLC v. Samsung Elecs. Co.*, Ltd., No. 2:21-cv-00033-JRG, Dkt. 40 (E.D. Tex. Aug. 10, 2022) & Dkt. 292

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

Evolved Wireless LLC,	§	
	§	
***Plaintiff*,**	§	
	§	**Civil Action No. 2:21-CV-00033-JRG**
v.	§	
	§	
Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc.,	§	**Jury Trial Demanded**
	§	
***Defendants*.**	§	
	§	

DOCKET CONTROL ORDER

In accordance with the scheduling conference held in this case on July 19, 2022, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

October 16, 2023	*Jury Selection – 9:00 a.m. in **Marshall, Texas**
September 18, 2023	* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date.[1]
September 11, 2023	*Pretrial Conference – 9:00 a.m. in **Marshall, Texas** before Judge Rodney Gilstrap
September 5, 2023	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions *in limine*. The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.

[1] The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

September 5, 2023	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions *in Limine*, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
August 28, 2023	*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 e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
August 21, 2023	File Motions *in Limine* The parties shall limit their motions *in limine* to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
August 21, 2023	Serve Objections to Rebuttal Pretrial Disclosures
August 14, 2023	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
July 31, 2023	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
July 24, 2023	*Response to Dispositive Motions (including *Daubert* Motions). Responses to dispositive motions that were filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order.[2] Motions for Summary Judgment shall comply with Local Rule CV-56.
July 10, 2023	*File Motions to Strike Expert Testimony (including *Daubert* Motions) No motion to strike expert testimony (including a *Daubert* motion) may be filed after this date without leave of the Court.

[2] The parties are directed to Local Rule CV-7(d), which provides in part that "[a] party's failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion." If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

July 10, 2023	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.
July 3, 2023	Deadline to Complete Expert Discovery
June 19, 2023	Serve Disclosures for Rebuttal Expert Witnesses
May 23, 2023	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
May 2, 2023	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
May 2, 2023	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
April 11, 2023	*Claim Construction Hearing 9:00 AM **Marshall, Texas** before Judge Rodney Gilstrap
March 28, 2023	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
March 21, 2023	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
March 14, 2023	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
February 28, 2023	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
February 28, 2023	Deadline to Substantially Complete Document Production Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
February 14, 2023	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)

February 7, 2023	File Response to Amended Pleadings
January 24, 2023	*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
January 17, 2023	Comply with P.R. 4-3 (Joint Claim Construction Statement)
December 20, 2022	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
December 6, 2022	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
August 30, 2022	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions[3]
August 30, 2022	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
August 9, 2022	*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.
August 2, 2022	*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.
July 26, 2022	Join Additional Parties
July 5, 2022	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Mediation: While certain cases may benefit from mediation, such may not be appropriate for every case. The Court finds that the Parties are best suited to evaluate whether mediation will benefit the case after the issuance of the Court's claim construction order. Accordingly, the Court

[3] http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf [https://perma.cc/RQN2-YU5P]

ORDERS the Parties to file a Joint Notice indicating whether the case should be referred for mediation **within fourteen days of the issuance of the Court's claim construction order**. As a part of such Joint Notice, the Parties should indicate whether they have a mutually agreeable mediator for the Court to consider. If the Parties disagree about whether mediation is appropriate, the Parties should set forth a brief statement of their competing positions in the Joint Notice.

Summary Judgment Motions, Motions to Strike Expert Testimony, and *Daubert* Motions: For each motion, the moving party shall provide the Court with two (2) hard copies of the completed briefing (opening motion, response, reply, and if applicable, sur-reply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and must include the CM/ECF header. These copies shall be delivered to the Court within three (3) business days after briefing has completed. For expert-related motions, complete digital copies of the relevant expert report(s) and accompanying exhibits shall be submitted on a single flash drive to the Court. Complete digital copies of the expert report(s) shall be delivered to the Court no later than the dispositive motion deadline.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Lead Counsel: The Parties are directed to Local Rule CV-11(a)(1), which provides that "[o]n the first appearance through counsel, each party shall designate a lead attorney on the pleadings or otherwise." Additionally, once designated, a party's lead attorney may only be changed by the filing of a Motion to Change Lead Counsel and thereafter obtaining from the Court an Order granting leave to designate different lead counsel.

Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

(a) The fact that there are motions for summary judgment or motions to dismiss pending;

(b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;

(c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order ("DCO"): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

Proposed DCO: The Parties' Proposed DCO should also follow the format described above under "Amendments to the Docket Control Order ('DCO')."

Joint Pretrial Order: In the contentions of the Parties included in the Joint Pretrial Order, the Plaintiff shall specify all allegedly infringed claims that will be asserted at trial. The Plaintiff shall also specify the nature of each theory of infringement, including under which subsections of 35 U.S.C. § 271 it alleges infringement, and whether the Plaintiff alleges divided infringement or infringement under the doctrine of equivalents. Each Defendant shall indicate the nature of each theory of invalidity, including invalidity for anticipation, obviousness, subject-matter eligibility, written description, enablement, or any other basis for invalidity. The Defendant shall also specify each prior art reference or combination of references upon which the Defendant shall rely at trial, with respect to each theory of invalidity. The contentions of the Parties may not be amended, supplemented, or dropped without leave of the Court based upon a showing of good cause.

So ORDERED and SIGNED this 10th day of August, 2022.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

EVOLVED WIRELESS, LLC	§	
	§	
v.	§	**CIVIL ACTION NO. 2:21-CV-00033-JRG**
	§	
SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG ELECTRONICS AMERICA, INC.	§	
	§	

MINUTES FOR JURY SELECTION/JURY TRIAL DAY NO. 1
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
November 9, 2023

OPEN: 09:14 AM **ADJOURN: 03:41 PM**

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANTS: See attached

LAW CLERKS: Jeffrey Jacobsen
Christian Tatum
Dylan Freeman

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

TIME	MINUTE ENTRY
09:14 AM	Court opened.
09:14 AM	Court's greeting, introduction and preliminary remarks to Jury Pool.
09:28 AM	Court called for announcements from the parties.
09:29 AM	Court continued by providing case information and gave preliminary instructions to Jury Pool.
09:38 AM	Prospective Jurors began introduction of themselves.
10:02 AM	Court provided additional instructions to Jury Pool.
10:05 AM	*Voir dire* on behalf of Plaintiff by Mr. Bruster.
10:36 AM	*Voir dire* on behalf of Defendants by Ms. Smith.
11:07 AM	Bench conference with counsel.
11:10 AM	Bench conference concluded.
11:10 AM	Court instructions provided to Jury Pool. Court requested specific juror(s) to remain in courtroom while remainder of Jury Pool recessed.
11:13 AM	Remainder of Jury Pool recessed.
11:15 AM	Counsel approached bench.
11:15 AM	Strike conference began with specifically named juror(s).

TIME	MINUTE ENTRY
12:04 PM	Strike conference concluded. Attorneys excused to exercise strikes.
12:04 PM	Recess.
12:23 PM	Court reconvened.
12:23 PM	Instructions given by the Court. Jurors selected.
12:28 PM	Jurors sworn.
12:29 PM	Remainder of Jury Pool excused.
12:30 PM	Additional instructions given by the Court.
12:45 PM	Jury recessed for lunch.
12:46 PM	Recess.
01:40 PM	Court reconvened.
01:41 PM	Jury returned to courtroom.
01:41 PM	Court gave preliminary instructions to Jury.
02:23 PM	Notebooks provided to Jury.
02:23 PM	Continuation of Court's preliminary instructions to Jury.
02:34 PM	Plaintiff's opening statement by Mr. Latchford.
02:51 PM	**Courtroom sealed.**
02:51 PM	Continuation of Plaintiff's opening statement by Mr. Latchford.
03:04 PM	**Courtroom unsealed.**
03:05 PM	Defendants' opening statement by Mr. Pak.
03:35 PM	Opening statements concluded.
03:35 PM	Rule invoked to exclude expert witnesses.
03:36 PM	Monday will begin with Plaintiff's case-in-chief:
03:36 PM	Court provided instructions to the Jury.
03:37 PM	Jury recessed for the day until 8:30 AM Monday morning.
03:38 PM	Court provided instructions to counsel re: Court's standing order on MILs.
03:40 PM	Court reminded the parties of their meet and confer obligations. Court will be available by 7:30 AM Monday morning to resolve any disputes.
03:41 PM	Court adjourned until Monday morning.

Appendix G - *Ollnova Techs. Ltd. v. Ecobee Techs., ULC*, No. 2:22-cv-00072-JRG, Dkt. 37 (E.D. Tex. June 3, 2022) & Dkt. 221

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

OLLNOVA TECHNOLOGIES LIMITED,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 2:22-CV-00072-JRG
	§	
ECOBEE TECHNOLOGIES ULC,	§	
	§	
Defendant.	§	
	§	

DOCKET CONTROL ORDER

In accordance with the scheduling conference held in this case, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Original Date	Amended Date	Event
September 11, 2023		*Jury Selection – 9:00 a.m. in **Marshall, Texas**
August 14, 2023		* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date.[1]
August 7, 2023		*Pretrial Conference – 9:00 a.m. in **Marshall, Texas** before Judge Rodney Gilstrap
July 31, 2023		*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions *in limine*. The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.

[1] The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

July 31, 2023		*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions *in Limine*, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
July 28, 2023		Serve Objections to Rebuttal Pretrial Disclosures
July 24, 2023		*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 e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
July 24, 2023		File Motions *in Limine* The parties shall limit their motions *in limine* to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
July 21, 2023		Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
July 7, 2023		Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
June 19, 2023		*Response to Dispositive Motions (including *Daubert* Motions). Responses to dispositive motions that were filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order.[2] Motions for Summary Judgment shall comply with Local Rule CV-56.

[2] The parties are directed to Local Rule CV-7(d), which provides in part that "[a] party's failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion."

June 5, 2023		*File Motions to Strike Expert Testimony (including *Daubert* Motions) No motion to strike expert testimony (including a *Daubert* motion) may be filed after this date without leave of the Court.
June 5, 2023		*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.
May 30, 2023		Deadline to Complete Expert Discovery
May 15, 2023		Serve Disclosures for Rebuttal Expert Witnesses
April 24, 2023		Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
April 17, 2023		Deadline to Complete Fact Discovery and File Motions to Compel Discovery
April 4, 2023		Comply with P.R. 3-7 (Opinion of Counsel Defenses)
March 14, 2023		*Claim Construction Hearing – 9:00 a.m. in **Marshall, Texas** before Judge Rodney Gilstrap
February 28, 2023		*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
February 21, 2023		*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
February 14, 2023		Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)

If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

January 31, 2023		Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
January 31, 2023		Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
January 17, 2023		Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
January 13, 2023		File Response to Amended Pleadings
December 27, 2022		*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
December 20, 2022		Comply with P.R. 4-3 (Joint Claim Construction Statement)
November 29, 2022		Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
November 8, 2022		Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
August 17, 2022		Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
July 27, 2022		Comply with Standing Order Regarding Subject-Matter Eligibility Contentions[3]

[3] http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf [https://perma.cc/RQN2-YU5P]

June 29, 2022		Comply with P.R. 3-4(a)
June 8, 2022		*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.
June 1, 2022		*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.
May 25, 2022		Join Additional Parties
May 4, 2022		Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Mediation: While certain cases may benefit from mediation, such may not be appropriate for every case. The Court finds that the Parties are best suited to evaluate whether mediation will benefit the case after the issuance of the Court's claim construction order. Accordingly, the Court **ORDERS** the Parties to file a Joint Notice indicating whether the case should be referred for mediation **within fourteen days of the issuance of the Court's claim construction order**. As a part of such Joint Notice, the Parties should indicate whether they have a mutually agreeable mediator for the Court to consider. If the Parties disagree about whether mediation is appropriate, the Parties should set forth a brief statement of their competing positions in the Joint Notice.

Summary Judgment Motions, Motions to Strike Expert Testimony, and *Daubert* Motions: For each motion, the moving party shall provide the Court with two (2) hard copies of the completed briefing (opening motion, response, reply, and if applicable, sur-reply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and must include the CM/ECF header. These copies shall be delivered to the Court within three (3) business days after briefing has completed. For expert-related motions, complete digital copies of the relevant expert report(s) and accompanying exhibits shall be submitted on a single flash drive

to the Court. Complete digital copies of the expert report(s) shall be delivered to the Court no later than the dispositive motion deadline.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Lead Counsel: The Parties are directed to Local Rule CV-11(a)(1), which provides that "[o]n the first appearance through counsel, each party shall designate a lead attorney on the pleadings or otherwise." Additionally, once designated, a party's lead attorney may only be changed by the filing of a Motion to Change Lead Counsel and thereafter obtaining from the Court an Order granting leave to designate different lead counsel.

Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

(a) The fact that there are motions for summary judgment or motions to dismiss pending;

(b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;

(c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order ("DCO"): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

Proposed DCO: The Parties' Proposed DCO should also follow the format described above under "Amendments to the Docket Control Order ('DCO')."

Joint Pretrial Order: In the contentions of the Parties included in the Joint Pretrial Order, the Plaintiff shall specify all allegedly infringed claims that will be asserted at trial. The Plaintiff shall also specify the nature of each theory of infringement, including under which subsections of 35 U.S.C. § 271 it alleges infringement, and whether the Plaintiff alleges divided infringement or infringement under the doctrine of equivalents. Each Defendant shall indicate the nature of each theory of invalidity, including invalidity for anticipation, obviousness, subject-matter eligibility, written description, enablement, or any other basis for invalidity. The Defendant shall also specify each prior art reference or combination of references upon which the Defendant shall rely at trial, with respect to each theory of invalidity. The contentions of the Parties may not be amended, supplemented, or dropped without leave of the Court based upon a showing of good cause.

So Ordered this

Jun 2, 2022

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

OLLNOVA TECHNOLOGIES LIMITED	§	
	§	
v.	§	**CIVIL ACTION NO. 2:22-CV-00072-JRG**
	§	
ECOBEE TECHNOLOGIES, ULC d/b/a ECOBEE	§	
	§	

MINUTES FOR JURY SELECTION/JURY TRIAL DAY NO. 1
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
September 29, 2023

OPEN: 08:42 AM **ADJOURN: 12:59 PM**

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANT: See attached

LAW CLERKS: Dylan Freeman
Jeffrey Jacobsen
Dallas Jackson

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

TIME	MINUTE ENTRY
08:42 AM	Court opened.
08:42 AM	Court's greeting, introduction and preliminary remarks to Jury Pool.
08:53 AM	Court asked for announcements from the parties.
08:54 AM	Court continued by providing case information and gave preliminary instructions to Jury Pool.
09:02 AM	Prospective Jurors began introduction of themselves.
09:26 AM	Court provided additional instructions to Jury Pool.
09:30 AM	*Voir dire* on behalf of Plaintiff by Ms. Fair.
10:00 AM	*Voir dire* on behalf of Defendant by Ms. Ainsworth.
10:30 AM	Bench conference with counsel.
10:32 AM	Bench conference concluded.
10:32 AM	Court instructions provided to Jury Pool. Court requested specific juror(s) to remain in courtroom while remainder of Jury Pool recessed.
10:34 AM	Remainder of Jury Pool recessed.
10:36 AM	Counsel approached bench.
10:36 AM	Strike conference began with specifically named juror(s).

TIME	MINUTE ENTRY
10:55 AM	Strike conference concluded. Attorneys excused to exercise strikes.
10:55 AM	Recess.
11:11 AM	Court reconvened.
11:12 AM	Instructions given by the Court. Jurors selected.
11:14 AM	Jurors sworn.
11:14 AM	Additional instructions given by the Court.
11:16 AM	Remainder of Jury Pool excused.
11:16 AM	Court gave preliminary instructions to Jury.
11:58 AM	Notebooks provided to Jury.
11:58 AM	Continuation of Court's preliminary instructions to Jury.
12:07 PM	Plaintiff's opening statement by Mr. Cooper.
12:28 PM	Defendant's opening statement by Mr. Sandonato.
12:56 PM	Opening statements concluded.
12:57 PM	Court provided instructions to the Jury.
12:58 PM	Jury recessed until 8:30 AM Monday morning.
12:59 PM	Court provided instructions to counsel.
12:59 PM	Court adjourned until Monday morning.