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

CERENCE OPERATING CO., *Plaintiff*, v. SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG ELECTRONICS AMERICA, INC., *Defendants*.	Civil Action No. 2:24-cv-00181-JRG-RSP **JURY TRIAL DEMANDED**

JOINT MOTION FOR THIRD AMENDED DOCKET CONTROL ORDER

Samsung v. Cerence
IPR2025-00459
Exhibit 1026

Plaintiff Cerence Operating Co. ("Cerence") and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Defendants" or "Samsung") (collectively, "the Parties") hereby jointly request that the Court amend its Second Amended Docket Control Order (Dkt. No. 68) as reflected in the Third Amended Docket Control Order attached hereto.

This is the second of two multi-patent infringement cases that Plaintiff and Defendants are parties to in the Eastern District of Texas, the other being *Cerence Operating Co. v. Samsung Elecs. Co., Ltd.*, No. 2:23-cv-00482-JRG-RSP (E.D. Tex.) (hereinafter "*Cerence v. Samsung I*"). These cases collectively concern thirteen asserted patents, eight of which are in this case. Four patents are asserted against Samsung by Cerence and four counterclaim patents are asserted against Cerence by Samsung. The Parties further anticipate moving for leave to amend the pleadings and contentions in this case to include claims relating to U.S. Patent No. 9,026,428, previously asserted against Samsung by Cerence in the co-pending case. *See Cerence v. Samsung I*, Dkt. No. 109 (Joint Stipulation of Dismissal of Claims Relating to U.S. Patent No. 9,026,428).

The parties, for good cause discussed below, request a three month extension to all upcoming dates, including the *Markman* hearing and trial date. The parties have been diligently working to complete claim construction and fact discovery, including third-party discovery. However, the parties require additional time to complete important technical and non-technical discovery before the *Markman* process (opening briefs are currently scheduled to be filed on May 23, 2025). Dkt. No. 68 (Second Amended Docket Control Order). For example, the Parties have met and conferred about the collection and production of additional technical and non-technical documents and source code. The parties believe the additional documents and source code are critical to the patent infringement allegations. The complex technology in this eight-patent case

(soon expected to be nine-patents), including at least three different technologies, will require substantial (and detailed) source code review and related discovery. In addition to these issues, the Parties anticipate witness discovery (e.g., leading up to and after *Markman*) will require additional time as the number of witnesses with information regard the issues across the nine asserted patents, including some in Korea, will create further logistical and scheduling challenges delays.

The parties are aware of the difficulties of continuing a trial and do not make this request lightly. Still, there is good cause here because, as explained above, both parties require the additional time to complete the remaining technical and non-technical discovery and to comply with their discovery obligations. The parties have not delayed and have been working to prepare a narrow, streamlined case for trial. Thus, the parties jointly request entry of the Third Amended Docket Control Order filed herewith.

Dated: May 19, 2025

Respectfully submitted,

/s/ Melissa R. Smith

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CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). The parties are in agreement on filing this Joint Motion.

/s/ Melissa R. Smith
Melissa R. Smith

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 19th day of May, 2025, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Melissa R. Smith
Melissa R. Smith

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

CERENCE OPERATING CO., *Plaintiff*, v. SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG ELECTRONICS AMERICA, INC., *Defendants*.	Case No. 2:24-cv-00181-JRG-RSP **JURY TRIAL DEMANDED**

THIRD AMENDED DOCKET CONTROL ORDER

Having considered the Parties' Joint Motion to Amend Docket Control Order (Dkt. No. 78), it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Amended Date	**Original Date**	**Event**
April 27, 2026 [or date thereafter most convenient to the Court]	January 5, 2026	*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 with notice of the same filed with the Court. [1]

[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.

	10 days before Jury Selection	*Plaintiff to disclose final election of Asserted Claims with notice of the same filed with the Court.[2]
March 30, 2026	December 8, 2025	*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]
March 24, 2026	December 3, 2025	*Pretrial Conference – 9:00 a.m. in **Marshall, Texas** before Judge Roy Payne
March 17, 2026	November 24, 2025	*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 10, 2026	November 24, 2025	*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

[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.*

March 10, 2026	November 17, 2025	*File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
March 3, 2026	November 10, 2025	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.
March 3, 2026	November 10, 2025	Serve Objections to Rebuttal Pretrial Disclosures
February 24, 2026	November 3, 2025	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
February 10, 2026	October 20, 2025	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
February 4, 2026	October 14, 2025	*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.

[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.

January 19, 2026	September 29, 2025	*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 19, 2026	September 29, 2025	*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. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
January 12, 2026	September 22, 2025	Deadline to Complete Expert Discovery
December 29, 2025	September 8, 2025	Serve Disclosures for Rebuttal Expert Witnesses
December 2, 2025	August 11, 2025	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
November 24, 2025	July 25, 2025	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
November 17, 2025	August 1, 2025	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
October 20, 2025 [or date thereafter most convenient to the Court]	July 11, 2025	*Claim Construction Hearing – 9:00am in **Marshall** before Judge Roy Payne
September 29, 2025	June 27, 2025	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
September 22, 2025	June 20, 2025	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
September 15, 2025	June 13, 2025	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)

August 25, 2025	May 23, 2025	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 25, 2025	May 23, 2025	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 18, 2025	May 16, 2025	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)

(*) 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 shall not be replaced or substituted without express leave of Court.