IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Vervain, LLC, Plaintiff, v. Kingston Technology Company, Inc., Kingston Digital, Inc., and Kingston Technology Corporation, Defendants.	Civil Action No. 1:24-cv-254-ADA **JURY TRIAL DEMANDED**

AGREED SCHEDULING ORDER

Pursuant to the Court's Standing Order Governing Proceedings in Patent Cases, the Court **ORDERS** that the following schedule will govern deadlines up to and including trial of this matter:

Scheduling Item	Default	Proposed Schedule
Plaintiff serves preliminary infringement contentions and initial production	6/21/2024 (7 days before CMC)	6/21/2024
Deadline for motions to transfer	7/19/2024 (3 weeks after CMC)	7/19/2024
Defendants serve preliminary invalidity contentions and initial production	8/16/2024 (7 weeks after CMC)	8/16/2024
Parties exchange claim terms for construction	8/30/2024 (9 weeks after CMC)	8/30/2024
Parties exchange proposed claim construction	9/13/2024 (11 weeks after CMC)	9/13/2024
Parties disclose extrinsic evidence	9/20/2024 (12 weeks after CMC)	9/20/2024

Scheduling Item	Default	Proposed Schedule
Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions	9/27/2024 (13 weeks after CMC)	9/27/2024
Defendant files Opening claim construction brief, including any arguments that any claim terms are not indefinite	10/4/2024 (14 weeks after CMC)	10/4/2024
Plaintiff files Responsive claim construction brief	10/25/2024 (17 weeks after CMC)	10/25/2024
Defendant files Reply claim construction brief	11/8/2024 (19 weeks after CMC)	11/8/2024
Plaintiff files a Sur-Reply claim construction brief	11/22/2024 (21 weeks after CMC)	11/22/2024
Parties submit Joint Claim Construction Statement	11/27/2024 (3 bus. days after sur-reply)	11/27/2024
Optional technology tutorials due	11/26/2024 (22 weeks after CMC, but at least 10 days bef. *Markman*)	11/26/2024
Markman hearing initially scheduled	12/6/2024 (23 weeks after CMC, or as soon as practicable)	12/5/2024
Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a)	12/9/2024 (1 bus. day after *Markman*)	12/9/2024
Deadline to add parties	1/17/2025 (6 weeks after *Markman*)	1/17/2025
Deadline to serve Final Infringement and Invalidity Contentions	1/31/2025 (8 weeks after *Markman*)	1/31/2025
Deadline to amend pleadings	3/28/2025 (16 weeks after *Markman*)	3/28/2025
Deadline for the first of two meet and confers to discuss significantly narrowing	6/6/2025 (26 weeks after *Markman*)	6/6/2025

Scheduling Item	Default	Proposed Schedule
the number of claims asserted and prior art references at issue		
Close of Fact Discovery	7/7/2025[1] (30 weeks after *Markman*)	7/7/2025
Opening Expert Reports	7/11/2025 (31 weeks after *Markman*)	7/11/2025
Rebuttal Expert Reports	8/8/2025 (35 weeks after *Markman*)	8/8/2025
Close of Expert Discovery	8/29/2025 (38 weeks after *Markman*)	8/29/2025
Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits	9/5/2025 (39 weeks after *Markman*)	9/5/2025
Dispositive motion deadline and *Daubert* motion deadline	9/12/2025 (40 weeks after *Markman*)	9/12/2025
Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations)	9/26/2025 (42 weeks after *Markman*)	9/26/2025
Serve objections to pretrial disclosures/rebuttal disclosures	10/10/2025 (44 weeks after *Markman*)	10/10/2025
Parties to jointly email the Court's law clerk (See OGP at 1) to confirm their pretrial conference and trial dates	10/10/2025 (8 weeks before trial)	10/10/2025
Serve objections to rebuttal disclosures and File Motions in limine	10/17/2025 (45 weeks after *Markman*)	10/17/2025
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions in limine	10/24/2025 (46 weeks after *Markman*)	10/24/2025

[1] July 4, 2025 is Independence Day.

Scheduling Item	Default	Proposed Schedule
File Notice of Request for Daily Transcript or Real Time Reporting; Deadline to file replies to motions in limine	10/31/2025 (47 weeks after *Markman*)	10/31/2025
Deadline to meet and confer regarding remaining objections and disputes on motions in limine.	11/7/2025 (48 weeks after Markman)	11/7/2025
File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in limine	11/10/2025[2] (3 bus. days bef. Final Pretrial Conference)	11/10/2025
Final Pretrial Conference	11/14/2025 (49 weeks after *Markman*, or as soon as practicable)	11/18/2025
Jury Selection/Trial	12/5/2025 (52 weeks after *Markman*, or as soon as practicable)	12/8/2025 at 9:30 A.M.

SIGNED this 15th day of July, 2024.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

[2] November 11, 2025, is Veterans Day.