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

SITEPRO, INC., Plaintiff, v. TANKLOGIX, LLC Defendant.	**C.A. No. 6:24-CV-00642-XR-DTG** **JURY TRIAL DEMANDED**

FIRST SCHEDULING ORDER

The Parties to this case have conferred, and as a result, submit this Proposed Scheduling Order, which is well taken. Therefore, pursuant to Rule 16, Federal Rules of Civil Procedure, the Court **ORDERS** that the following schedule will govern the deadlines up to and including the trial date of this matter:

Deadline	**Item**
May 14, 2025	Deadline to file a motion to transfer. After this deadline, movants must seek leave of Court and show good cause for the delay.
April 11, 2025	Plaintiff serves preliminary[1] infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (*i.e.*, the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.

[1] The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably

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April 23, 2025	The Parties shall file a motion to enter an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of Scheduling Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
July 9, 2025	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
July 23, 2025	Parties exchange claim terms for construction.
August 6, 2025	Parties exchange proposed claim constructions.
August 13, 2025	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony.14 With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
August 20, 2025	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
Augus 27, 2025	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.

upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

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September 17, 2025	Plaintiff files Responsive claim construction brief.
October 1, 2025	Defendant files Reply claim construction brief.
October 1, 2025	Parties to jointly email the law clerks (see OGP at 1) to confirm their Markman date and to notify if any venue or jurisdictional motions remain unripe for resolution.
October 15, 2025	Plaintiff files a Sur-Reply claim construction brief.
October 20, 2025	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
October 22, 2025 (but at least 10 days before Markman hearing)	Parties submit optional technical tutorials to the Court and technical advisor (if appointed).

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October 29, 2025	*Markman* Hearing at 2 P.M.
October 30, 2025	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
December 10, 2025	Deadline to add parties.
January 7, 2026	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.
February 18, 2026	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
May 20, 2026	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues.
JMay 27, 2026	Close of Fact Discovery.
June 3, 2026	Opening Expert Reports.
July 1, 2026	Rebuttal Expert Reports.
July 22, 2026	Close of Expert Discovery.

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July 29, 2026	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. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
August 5, 2026	Dispositive motion deadline and *Daubert* motion deadline. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed). Deadline for parties desiring to consent to trial before the magistrate judge to submit Form AO 85, "Notice, Consent, And Reference Of A Civil Action To A Magistrate Judge," available at https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge.
August 19, 2026	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, deposition designations).
September 2, 2026	Serve objections to pretrial disclosures/rebuttal disclosures.
September 9, 2026	Serve objections to rebuttal disclosures; file motions *in limine.*
September 16, 2026	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, deposition designations); file oppositions to motions *in limine* From this date onwards, the parties are obligated to notify the Court of any changes to the asserted patents or claims. Such notification shall be filed on the docket within seven (7) days of the change and shall include a complete listing of all asserted patents and claims. If a change to the asserted patents or claims requires leave of court (for example, if a party is moving for leave to assert additional claims), notification shall not be required until the Court grants leave, at which point the notification must be filed within seven (7) days.

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September 23, 2026	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 email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to file replies to motions *in limine*.
September 30, 2026	Deadline to meet and confer regarding remaining objections and disputes on motions *in limine.*
September 2, 2026	Parties to jointly email the Court's law clerk (See OGP at 1) to confirm their pretrial conference and trial dates.
October 2, 2026	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions *in limine.*
October 15, 2026	Final Pretrial Conference. Held in person unless otherwise requested.
October 26, 2026	Jury Selection/Trial.

SIGNED this 17th day of April, 2025

DEREK GILLILAND
UNITED STATES MAGISTRATE JUDGE

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