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

ALMONDNET, INC. and DATONICS LLC	§	
Plaintiffs,	§	
v.	§	Case No. 6:24-cv-00234-RP
	§	**Jury Trial Demanded**
AMAZON.COM, INC., et al., Defendants.	§	

SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court **ORDERS** that the following schedule will govern deadlines up to and including the trial of this matter:

Deadline	Item
March 20, 2025	Deadline to file a motion to transfer. After this deadline movants must seek leave of Court and show good cause for the delay.
March 7, 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.
February 18, 2025	The Parties shall submit 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.

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

Deadline	Item
April 23, 2025	Parties submit an agreed Protective Order. If the parties cannot agree, the parties shall email the Court pursuant to the Discovery Disputes Procedure.
May 16, 2025	Defendants serve 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 Defendants contend are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendants contend are directed to ineligible subject matter under section 101. Defendants 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).
June 6, 2025	Parties exchange claim terms for construction.
June 20, 2025	Parties exchange proposed claim constructions.
June 27, 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.[2] 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.
July 9, 2025	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
July 18, 2025	Defendants file Opening claim construction briefs, including any arguments that any claim terms are indefinite.
August 8, 2025	Plaintiff files Responsive claim construction brief.
August 29, 2025	Defendants file Reply claim construction briefs.
September 19, 2025	Plaintiff files a Sur-Reply claim construction brief.
September 24, 2025	Parties submit Joint Claim Construction Statement.
September 26, 2025	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).
October 8, 2025	*Markman* Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the *Markman* hearing approaches.
October 9, 2025	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
November 21, 2025	Deadline to add parties.
December 19, 2025	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.
January 30, 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.)

[2] Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

Deadline	Item
April 17, 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.
May 15, 2026	Close of Fact Discovery.
May 29, 2026	Opening Expert Reports.
July 1, 2026	Rebuttal Expert Reports.
July 17, 2026	Close of Expert Discovery.
July 24, 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. To the extent 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.
July 31, 2026	Dispositive motion deadline and *Daubert* motion deadline. 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/civilforms/notice-consent-and-reference-civil-action-magistratejudge.
August 14, 2026	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
August 28, 2026	Parties email the Court's law clerk to confirm pretrial and trial dates
August 28, 2026	Serve objections to pretrial disclosures/rebuttal disclosures.
September 4, 2026	Serve objections to rebuttal disclosures; file Motions *in limine.*
September 11, 2026	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions *in limine*
September 18, 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 e-mail the Court Reporter Deadline to meet and confer regarding remaining objections and disputes on motions *in limine*.
3 business days before Final Pretrial Conference	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions *in limine.*
September 30, 2026	Final Pretrial Conference.
November 30, 2026	Jury Selection/Trial.

SIGNED this 26th day of February 2025.

ROBERT PITMAN
U.S. DISTRICT JUDGE