UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

VIRTAMOVE, CORP., Plaintiff, v. AMAZON.COM, INC.; AMAZON.COM SERVICES LLC; AND AMAZON WEB SERVICES, INC., Defendants.	Case No. 7:24-cv-00030-ADA-DTG

SECOND AMENDED 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:

Date	Deadline
9/13/24	Last day of venue discovery.
9/12/24	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).
9/27/24	VirtaMove's opposition to Amazon's Motion to Dismiss or Transfer
9/19/24	Parties exchange claim terms for construction.
10/3/24	Parties exchange proposed claim constructions.

Amazon Ex. 1017
IPR Petition - USP 7,784,058

Oracle Ex. 1017
Oracle v. VirtaMove, IPR2025-00966

Date	Deadline
10/10/24	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. 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.
10/25/24	Amazon's Reply in support of its Motion to Dismiss or Transfer
10/15/24	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
10/22/24	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
11/12/24	Plaintiff files Responsive claim construction brief.
11/26/24	Defendant files Reply claim construction brief.
12/13/24	Plaintiff files Sur-Reply claim construction brief.
12/18/24	Parties submit Joint Claim Construction Statement. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
12/20/24	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).
1/9/25	**Markman Hearing**
1/10/25	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a). *Discovery commences on all issues.*
2/27/25	Deadline to add parties. *All motions to . . . add parties shall be filed on or before this date.*
3/13/25	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 amend if new information is identified after initial contentions.
4/10/25	Deadline to amend pleadings with respect to indirect and willful infringement.

Date	Deadline
5/22/25	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.). *All motions to amend pleadings . . . shall be filed on or before this date.*
7/10/25	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 to arrange a teleconference with the Court to resolve the disputed issues.
8/7/25	Close of Fact Discovery
8/21/25	Opening Expert Reports. *Parties with burden of proof to designate Expert Witnesses and provide their expert witness reports, to include all information required by Rule 26(a)(2)(B).*
9/23/25	Rebuttal Expert Reports. *Parties shall designate Rebuttal Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness reports, to include all information required by Rule 26(a)(2)(B).*
10/14/25	Close of Expert Discovery. *Expert Discovery Deadline. Expert discovery must be completed by this date.*
10/20/25	Deadline for the second of two meet and confer 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 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.
11/3/25	Dispositive motion deadline and Daubert motion deadline. Deadline to file the joint report regarding results of meet and confer. *Any objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, not later than 14 days of receipt of the written report of the expert's proposed testimony or not later than 14 days of the expert's deposition, if a deposition is taken, whichever is later.* ***The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702***

Date	Deadline
	All dispositive motions shall be filed and served on all other parties on or before this date and shall be limited to 25 pages. Responses shall be filed and served on all other parties not later than 14 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 7 days after the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion. *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.*
11/7/25	*By this date the parties shall meet and confer to determine pre-trial deadlines, including, inter alia, exchange of exhibit lists, designations of and objections to deposition testimony, and exchange of demonstratives.*
11/3/25	Parties to contact Court to confirm their pretrial conference and trial dates.
11/12/25	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations). *By this date the parties shall exchange a proposed jury charge and questions for the jury. By this date the parties will also exchange draft Motions in Limine to determine which may be agreed.*
12/3/25	Serve objections to pretrial disclosures/rebuttal disclosures. *By this date the parties shall exchange any objections to the proposed jury charge, with supporting explanation and citation of controlling law.*
12/10/25	Serve objections to rebuttal disclosures; file Motions *in-limine*.
12/23/25	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions *in limine.* *By this date the parties will submit to the Court their Joint Pre-Trial Order, including the identification of issues to be tried, identification of witnesses, trial schedule provisions, and all other pertinent information. By this date the parties will also submit to the Court their oppositions to Motions in Limine.*
1/7/26	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

Date	Deadline
	Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to file replies to motions *in limine*.
1/9/26	Deadline to meet and confer regarding remaining objections and disputes on motions *in limine*.
1/13/26	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions *in limine*.
1/16/26	**Final Pretrial Conference**. Held in person at 9:00 am. *The parties shall provide to the Court an agreed jury charge with supported objections of each party, and proposed questions for the jury, at the final Pre-Trial Conference.*
1/29/26	**Jury Selection** at 9:00 am in Midland.
2/2/26	**Trial Begins** at 9:00 am in Midland.

SIGNED this 10th day of October, 2024.

DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE