

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CText IP LLC,

Plaintiff,

v.

Apple Inc.,

Defendant.

Case No. 24-cv-08821 (JMF)

[PROPOSED¹] SCHEDULING ORDER

The Court has conducted an initial Rule 16(b) scheduling conference, and the parties have determined after discussion that this matter cannot be resolved at this time by settlement, voluntary mediation, or binding arbitration. Accordingly, the Court enters this scheduling order under which the following actions shall be completed by the date indicated.

¹ For the reasons discussed in Apple's Motion to Stay (ECF No. 32), Apple believes this action should be stayed pending resolution of Apple's petitions for *Inter Partes* Review (IPRs), and that no schedule need be entered at this time.

Date	Event
8/1/25	Parties to serve initial disclosures (Fed. R. Civ. P. 26(a)(1))
8/15/25	Deadline to amend pleadings or join additional parties Deadline to serve initial requests for production of documents and interrogatories pursuant to L.R. 33.3(a) Deadline to file proposed protective order
8/15/25	Disclosure of asserted claims and infringement contentions (Local Patent Rule 6)
9/18/25	<u>Plaintiff shall identify no more than 25 asserted patent claims</u>
~~8/22~~ 9/25/25	Parties shall exchange proposed terms for construction (not filed with the Court), including identifying what (if any) terms a party contends is indefinite
~~9/5~~ 10/2/25	Invalidity contentions (Local Patent Rule 7) <u>Defendants shall identify no more than 40 prior art references</u>
~~9/5~~ 10/23/25	Parties shall exchange preliminary constructions and preliminary identification of extrinsic evidence, including without limitation, dictionary definitions, citations to learned treatises and prior art, and testimony of expert witnesses they contend support their respective claim constructions or indefiniteness positions. The parties shall identify each such item of extrinsic evidence by production number or produce a copy of any such item not previously produced. With respect to any such expert, the parties shall also provide the identity and a brief description of the substance of that witness' proposed testimony.
~~9/12~~ 10/30/25	Parties shall exchange preliminary identification of rebuttal extrinsic evidence, including without limitation, dictionary definitions, citations to learned treatises and prior art, and testimony of expert witnesses they contend support their respective claim constructions or indefiniteness positions. The parties shall identify each such item of extrinsic evidence by production number or produce a copy of any such item not previously produced. With respect to any such expert, the parties shall also provide the identity and a brief description of the substance of that witness' proposed testimony.
~~9/19~~ 11/6/25	Joint claim terms chart (Local Patent Rule 11) (parties to meet and confer in advance for preparation of this joint filing)
~~9/26~~ 11/13/25	Parties shall serve any expert testimony consistent with Fed. R. Civ. P. 26(a)(2)(B)(i)-(ii) or 26(a)(2)(C) for any expert on which it intends to rely to support its proposed claim construction or indefiniteness position

Commented [A1]: Note for CText: Per our discussions in February, Apple can agree to limiting invalidity contentions to 40 prior art references in exchange for CText agreeing to limit its asserted claims to 25

	or to oppose any other party's proposed claim construction or indefiniteness position.
~~10/3~~ 12/4/25	Deadline to complete claim construction discovery
~~10/10~~ 12/18/25	Plaintiff's opening claim construction brief (Local Patent Rule 12(a))
~~10/17~~ 251/22/26	Defendant's responsive claim construction brief (Local Patent Rule 12(b))
~~10/24~~ 252/5/26	Plaintiff's reply claim construction brief (Local Patent Rule 12(c))
~~2/19~~ 26	<u>Defendant's sur-reply claim construction brief</u>
To be determined by the Court if necessary	Claim construction hearing <u>and technology tutorial</u>
14 days after claim construction ruling	<u>Plaintiff shall identify no more than 15 asserted claims</u>
	Final infringement contentions
21 days after claim construction ruling	<u>Defendant shall identify no more than 12 primary references and 12 secondary prior art references</u>
	Final invalidity contentions
~~24~~ 30 days after claim construction ruling	Opinion(s) of counsel (Local Patent Rule 10)
~~45~~ 60 days after claim construction ruling	Close of fact discovery
Within 14 days after close of fact discovery	All counsel must meet in person for at least one hour to discuss settlement
~~24~~ 28 days after close of fact discovery	Opening expert reports on issues for which a party bears the burden of proof
~~42~~ 49 days after close of fact discovery	Rebuttal expert reports
~~63~~ 70 days after close of fact discovery	Close of expert discovery
~~24~~ 30 days after close of expert discovery	Deadline to file dispositive motions and <i>Daubert</i> motions
2 weeks after deadline to file dispositive motions	Deadline to file oppositions to dispositive motions and <i>Daubert</i> motions

and <i>Daubert</i> motions	
1 week after deadline to file oppositions to dispositive motions and <i>Daubert</i> motions	Deadline to file replies (if any) to oppositions to dispositive motions and <i>Daubert</i> motions
30 days after close of expert discovery or, if a dispositive motion(s) has been filed, 30 days after a decision on such motion(s)	Deadline to file joint pretrial motion and corresponding documents pursuant to Paragraph 6 of the Court's Individual Rules and Practices for Civil Cases
Two weeks after the Joint Pretrial Order is filed To be scheduled by Court	Pretrial conference
Two weeks after the Joint Pretrial Order is filed To be scheduled by Court	Trial

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IT IS SO ORDERED.

DATED: _____, 2025

HON. JESSE M. FURMAN, U.S.D.J.