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

CardWare Inc.,	§	
Plaintiff,	§	
	§	
v.	§	**CIVIL ACTION NO. 7:24-cv-00278-DC-DTG**
	§	
Google LLC,	§	**JURY TRIAL DEMANDED**
	§	
Defendant.	§	
	§	

FIRST AGREED SCHEDULING ORDER

Date	Item
Feb. 13, 2025	Plaintiff serves preliminary 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.
Feb. 18, 2025	Deadline for Rule 26 Report and Proposed Scheduling Order
Feb. 24, 2025	Opposition to Motion to Dismiss (Jan. 31, 2025 Text Order)
Feb. 27, 2025	Initial Case Management Conference (unless vacated)
Mar. 17, 2025	Reply In Support of Motion to Dismiss (agreed two-week extension)
Apr. 3, 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).
Apr. 17, 2025	Parties exchange terms for claim construction
May 1, 2025	Parties exchange proposed claim constructions

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May 8, 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. 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.
May 15, 2025	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
May 22, 2025	Defendant files Opening claim construction brief, including any argument that any claim terms are indefinite.
Jun. 12, 2025	Plaintiff files Responsive claim construction brief.
Jun. 26, 2025	Defendant files Reply claim construction brief.
Jul. 10, 2025	Plaintiff files Sur-Reply claim construction brief.
Jul. 15, 2025	Parties submit Joint Claim Construction Statement.
Jul. 17, 2025	Parties submit optional technical tutorials to the Court and technical advisor (if appointed).
Jul. 24, 2025 (subject to the Court's availability)	*Markman* hearing.
Jul. 25, 2025	Fact discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
Sept. 4, 2025	Deadline to add parties.
Sept. 18, 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 amend if new information is identified after initial contentions.
Nov. 13, 2025	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).
Jan. 22, 2026	Deadline for the first of two meet and confers to discuss significantly

Date	Item
	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.
Mar. 5, 2026	Close of Fact Discovery.
Mar. 19, 2026	Opening Expert Reports.
Apr. 16, 2026	Rebuttal Expert Reports.
May 7, 2026	Close of Expert Discovery.
May 14, 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 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.
May 28, 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/civil-forms/notice-consent-andreference-civil-action-magistrate-judge.
June 23, 2026	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
Jul. 9, 2026	Serve objections to pretrial disclosures/rebuttal disclosures
Jul. 14, 2026 or 8 weeks before trial as scheduled	Parties to contact Court to confirm their pretrial conference and trial dates
Jul. 16, 2026	Serve objections to rebuttal disclosure; file motions *in limine*.
Jul. 23, 2026	File Joint Pretrial Order and Pretrial Submissions (jury hearing instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions *in limine*.
Jul. 30, 2026	Deadline to meet and confer regarding remaining objections and disputes on motions *in limine*.

Date	Item
Aug. 11, 2026 or 3 business days before Final Pretrial Conference	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions *in limine*.
Aug. 14, 2026 at 1:30 PM	Final Pretrial Conference
Sept. 8, 2026	Jury Selection/Trial

SIGNED this 6th day of March, 2025.

DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE