

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IMAGINEAR, INC. and IMAGINE AR, INC.,	)	
	)	
Plaintiffs,	)	C.A. No. 24-1252-JDW
v.	)	
	)	
	)	
NIANTIC, INC.,	)	
	)	
Defendant.	)	

[PROPOSED] SCHEDULING ORDER

AND NOW, this ____ day of ____, 2025, following a pretrial conference with counsel for the Parties, and pursuant to Federal Rule of Civil Procedure 16 and Local Rule of Civil Procedure 16.1(b), **IT IS ORDERED** as follows.

1. Deposition Dates. Within two weeks of the Rule 16 conference, the parties shall meet and confer to set aside dates to hold open for depositions before the close of discovery. The parties shall submit a letter to me, via email to Chambers_of_Judge_Wolson@paed.uscourts.gov, that identifies the dates that will be set aside for these depositions.

2. E-Discovery Default Standard. The parties shall review the District of Delaware’s Default Standard for Discovery, Including Discovery of Electronically Stored Information (the “Default Standard”). The Default Standard shall provide the applicable standard for discovery of ESI in this case unless the parties submit a separate ESI Stipulation.

3. Joinder of Other Parties and Amendment of Pleadings. All motions to join other parties, and to amend or supplement the pleadings, shall be filed on or before June 6, 2025.

4. [Filing Under Seal. Plaintiffs’ Position: A Party wishing to file under seal a document containing information designated Confidential or Highly Confidential pursuant to the protective order shall file such document under seal by complying with the District Court for the

District of Delaware's Local Rules, CM/ECF procedures, and the terms of the protective order. /

Defendant's Position: No Party may file a document under seal without first seeking leave to do so. Any such motion must be accompanied by a redacted filing on the public docket (unless the request is to seal the entire document). Any motion to seal must make the showing required in *In re Avandia Mktg., Sales Practices and Prods. Liab. Litig.*, 924 F.3d 662 (3d Cir. 2019).]

5. Disclosures. The parties shall make the following disclosures, including disclosures required by specific paragraphs of the Default Standard, on the following schedule (where a paragraph imposes obligations on a plaintiff, then the obligation applies to each Party to the extent it is asserting affirmative infringement claims, and where a paragraph imposes obligations on a defendant, it applies to each party to the extent that party is claiming invalidity or non-infringement):

- A. Rule 26(a) Initial Disclosures, Default Standard Paragraph 3 disclosures, Default Standard 4(a) Initial Disclosures on or before May 9, 2025
- B. Default Standard Paragraph 4(b) Initial disclosures on or before July 3, 2025
- C. Default Standard Paragraph 4(c) Initial disclosures ("Initial Infringement Contentions") on or before August 1, 2025
- D. Default Standard Paragraph 4(d) Initial disclosures and a detailed statement of any grounds of invalidity based on indefiniteness, enablement, or written description under 35 U.S.C. § 112 or any grounds of invalidity under 35 U.S.C. § 101 ("Initial Invalidity Contentions") on or before August 28, 2025
- E. Final Infringement Contentions on or before 21 days after claim construction order
- F. Final Invalidity Contentions on or before 42 days after claim construction order

6. Discovery. Counsel for all parties shall refer to my Policies and Procedures regarding all matters of discovery and correspondence with the Court. Discovery shall occur on the following schedule and with the following limits:

A. Requests for Admission. A maximum of 50 requests for admission are permitted for each side;

B. Interrogatories. A maximum of 25 interrogatories, including contention interrogatories, are permitted for each side.

C. Depositions.

- i. Each side shall be entitled to take ten (10) fact depositions. Each deposition shall be limited to a single day of no more than seven (7) hours, in accordance with Rule 30(d)(1) of the Federal Rules of Civil Procedure unless otherwise ordered by the Court or agreed to by the Parties. All depositions taken under Rule 30(b)(6) shall collectively count towards only one (1) deposition of the ten (10) fact deposition limit per side regardless of the number of witnesses deposed under Rule 30(b)(6). Expert depositions will last no more than 7 hours. **[Plaintiffs' Position:** All expert depositions should be limited to 7 hours regardless of whether the expert opines on multiple subjects. The Parties agree to reasonably consider any good cause requests for additional expert deposition time / **Defendant's Position:** To the extent that an expert offers an opinion on both non-infringement/infringement and invalidity/validity, such expert would be subject to a 7-hour deposition on non-infringement/infringement and a separate 7-hour deposition on

invalidity/validity.]

- ii. **[Plaintiffs' Position:** The deposition of any fact or expert witness shall be taken at a place that is most convenient to the witness / **Defendant's Position:** Location of Depositions. Any party or representative (officer, director, or managing agent) of a party filing a civil action in this district court must ordinarily be required, upon request, to submit to a deposition at a place designated within this district. Exceptions to this general rule may be made by order of the Court or by agreement of the parties. A defendant who becomes a cross-claimant or third-party plaintiff shall be considered as having filed an action in this Court for the purpose of this provision.]

D. Document Production. Document production shall be substantially complete by April 3, 2026.

E. Discovery Cut Off. All discovery in this case shall be initiated so that it will be completed on or before **[Plaintiffs' Position:** June 5, 2026 / **Defendant's Position:** 119 days after claim construction order].

7. Claim Construction Issue Identification. On or before September 12, 2025, the parties shall exchange a list of those claim term(s)/phrase(s) that they believe need construction or cannot be construed because they are indefinite under 35 U.S.C. §§ 112, ¶2. All indefiniteness positions must be raised by Defendant at claim construction and cannot be raised later at summary judgment. On or before September 26, 2025, the parties shall exchange their proposed claim construction of the term(s)/phrase(s) offered for construction. These documents will not be filed with the Court. After exchanging those documents, the parties will meet and confer to prepare a

Joint Claim Construction Chart to be filed no later than October 10, 2025. The Joint Claim Construction Chart, in Word format, shall be e-mailed simultaneously with filing to Chambers_of_Judge_Wolson@paed.uscourts.gov. The parties' Joint Claim Construction Chart should identify for the Court up to ten (10) term(s)/phrase(s) of the claim(s) in issue, and should include each party's proposed construction of the disputed claim language with citation(s) only to the intrinsic evidence in support of their respective proposed constructions. A copy of the patent(s) in issue as well as those portions of the intrinsic record relied upon shall be submitted with this Joint Claim Construction Chart. In this joint submission, the parties shall not provide argument.

8. Claim Construction Briefing. Plaintiffs shall serve, but not file, their opening brief, not to exceed 5,000 words on October 24, 2025. Defendant shall serve, but not file, its answering brief, not to exceed 7,500 words, on November 14, 2025. Plaintiffs shall serve, but not file, their reply brief, not to exceed 5,000 words, on December 5, 2025. Defendant shall serve, but not file, its surreply brief, not to exceed 5,000 words, on December 19, 2025. No later than January 9, 2026, the parties shall file a Joint Claim Construction Brief. The parties shall copy and paste their unfiled briefs into one brief, with their positions on each claim term in sequential order, in substantially the form below.

JOINT CLAIM CONSTRUCTION BRIEF

- I. Representative Claims
- II. Agreed-upon Constructions
- III. Disputed Constructions
 - A. [TERM 1]
 - 1. Plaintiffs' Opening Position
 - 2. Defendant's Answering Position
 - 3. Plaintiffs' Reply Position
 - 4. Defendant's Surreply Position

B. [TERM 2]

1. Plaintiffs' Opening Position
2. Defendant's Answer Position
3. Plaintiffs' Reply Position
4. Defendant's Surreply Position

For each term in dispute, there should be a table or the like setting forth the term in dispute and the parties' competing constructions. The table does not count against the word limits. The parties need not include any general summaries of the law relating to claim construction. If there are any materials that would be submitted in an appendix, the parties shall submit them in a Joint Appendix.

9. Tutorial Describing the Technology and Matters in Issue. The parties shall provide the Court, no later than the date on which their joint claim construction brief is due, a tutorial on the technology at issue. In that regard, the parties may separately or jointly submit a video of not more than twenty (20) minutes. The video may be sent on a DVD, memory stick, hard drive, or other commonly used digital media. The tutorial should focus on the technology in issue and should not be used for argument. As to the format selected, the parties should confirm the Court's technical abilities to access the information contained in the tutorial.

10. Hearing on Claim Construction. On _____, 2026, beginning at _____ in Courtroom 12B, United States Courthouse, 601 Market St., Philadelphia, PA, the Court will hear argument on claim construction. Absent prior approval of the Court (which, if it is sought, must be done so by joint letter submission no later than the date on which answering claim construction briefs are due), the parties shall not present testimony at the argument, and the argument shall not exceed a total of three hours.

11. Disclosure of Lay Witness Testimony. A party intending to offer lay witness opinion testimony must disclose the name of any witness who will offer such an opinion and a

brief summary of each such opinion at the same time the expert reports are exchanged.

12. Disclosure of Expert Witness Testimony.

A. Expert Reports. For the party who has the initial burden of proof on the subject matter, the initial Federal Rule 26(a)(2) disclosure of expert testimony is due on or before 63 days after I issue my claim construction order. The supplemental disclosure to contradict or rebut evidence on the same matter identified by another party is due on or before 91 days after I issue my claim construction order. [**Plaintiffs' Position:** Reply expert reports for the party who has the initial burden of proof on the subject matter are due on or before 101 days after I issue my claim construction order. / **Defendants' Position:** No reply reports are permitted without either the consent of all parties or leave of the Court.] No other expert reports will be permitted without either the consent of all parties or leave of the Court. Along with the submissions of the expert reports, the parties shall advise of the dates and times of their experts' availability for deposition.

B. Objections to Expert Testimony. To the extent any objection to expert testimony is made pursuant to the principles announced in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), as incorporated in Federal Rule of Evidence 702, it shall be made by motion no later than the deadline for dispositive motions set forth herein, unless otherwise ordered by the Court. Briefing on such motions is subject to the page limits set out in connection with briefing of case dispositive motions prescribed in my Policies and Procedures.

13. Case Dispositive Motions. All case dispositive motions shall be served and filed on or before 161 days after I issue my claim construction order. No case dispositive motion under Rule 56 may be filed more than 10 days before the above date without leave of the Court. Motions for summary judgment and responses shall otherwise be filed in the form prescribed in my Policies and Procedures and in accordance with the Court's Local Rules of Civil Procedure.

14. Status Conference. The Court will conduct a telephonic status conference with the parties on _____ at _____ to discuss the progress of the case. The parties should submit a joint letter two days in advance of that conference. The Court will provide the parties a dial-in number in advance of that call. During that status conference, the parties shall be prepared to discuss, among other things, the following: (a) the status of discovery; (b) whether, when, and to what extent the Court should limit the number of claims that Plaintiffs can assert in their infringement contentions; (c) whether, when, and to what extent the Court should limit the number of references that Defendant can assert in its invalidity contentions; and (d) the need and potential schedule for any discovery requests under the Hague Convention or other requests for international judicial assistance.

15. Location of Proceedings. The Court intends to conduct all non-jury proceedings in Philadelphia, Pennsylvania. Pursuant to Fed. R Civ. P. 77(b), if any Party objects to such proceedings occurring outside the District of Delaware, it must object within ten days of the date of this Order.

BY THE COURT:

JOSHUA D. WOLSON, J.