

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

IMAGINEAR, INC., et al.,

Plaintiffs

v.

NIANTIC, INC. d/b/a NIANTIC LABS,

Defendant,

Case No. 1:24-cv-01252-JDW

SCHEDULING ORDER

AND NOW, this 8th day of October, 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 14 days of this Order, 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 the Court, via email to Chambers_of_Judge_Wolson@paed.uscourts.gov, that identifies the dates that will be set aside for these depositions. The Parties shall also indicate in that letter whether they prefer to limit the depositions in this case by number of hours per party, rather than the number of depositions. If so, they shall either (a) indicate the number of hours on which they have agreed or (b) set forth their competing positions.

2. 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 November 7, 2025.

3. Discovery. Counsel for all Parties shall refer to my Policies and Procedures regarding all matters of discovery and correspondence with the Court.

A. Discovery Cut Off. All discovery in this case shall be initiated so that it will be completed 28 days after the Parties serve rebuttal expert reports.

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

C. Requests for Admission. Each Party may serve a maximum of 50 requests for admission.

4. Claim Construction Issue Identification. On or before October 10, 2025, the Parties shall file their Joint Claim Construction Chart and also email the chart in Word format to Chambers_of_Judge_Wolson@paed.uscourts.gov. The parties' Joint Claim Construction Chart should identify for the Court up to 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.

5. 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. 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
 - B. [TERM 2]
 - 1. Plaintiffs' Opening Position
 - 2. Defendant's Answering Position
 - 3. Plaintiffs' Reply Position
 - Etc.

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, then the Parties shall submit them in a Joint Appendix.

6. Hearing on Claim Construction. On February 5, 2026, beginning at 10:00 a.m. in Courtroom 12B, United States Courthouse, 601 Market Street, Philadelphia, PA, I will hear argument on claim construction. Absent prior approval (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.

7. Disclosures. Absent agreement among the Parties, and prior approval:

A. Within 21 days after I issue a claim construction Order, Plaintiffs shall serve their Final Infringement Contentions.

B. Within 21 days after Plaintiffs serve their Final Infringement Contentions, Defendant shall serve its Final Invalidity Contentions.

8. 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.

9. 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 within 21 days of Defendant's Final Invalidity Contentions. The supplemental disclosure to contradict or rebut evidence on the same matter identified by another Party is due 28 days later. No other expert reports will be permitted without either the consent of all Parties or prior leave. 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. Briefing on such motions is subject to the same page limits set out in connection with briefing of case dispositive motions.

10. Case Dispositive Motions. All case dispositive motions shall be served and filed 49 days after the close of discovery. No case dispositive motion under Rule 56 may be filed more than ten days before the above date without leave. Opening briefs in support of and in opposition to a dispositive motion shall not exceed forty (40) pages. Otherwise, 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.

BY THE COURT:

/s/ Joshua D. Wolson
JOSHUA D. WOLSON, J.