

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

CardWare Inc.,

Plaintiff,

v.

Apple Inc.,

Defendant.

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CIVIL ACTION NO. 1:25-cv-00446-ADA

JURY TRIAL DEMANDED

AGREED SCHEDULING ORDER

Deadline	Guideline	Item
Feb. 10, 2025	7 days before CMC	Plaintiff serves preliminary ² 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. 17, 2025		Case Management Conference (“CMC”) deemed to occur per the parties’ agreement. <i>See</i> Dkt. No. 28.
Mar. 3, 2025	2 weeks after CMC	The Parties shall file a motion to enter an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of Scheduling Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings

² The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issue.

Deadline	Guideline	Item
Apr.7, 2025	7 weeks after CMC	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. 21, 2025	9 weeks after CMC	Parties exchange claim terms for construction.
May 5, 2025	11 weeks after CMC	Parties exchange proposed claim constructions.
May 12, 2025	12 weeks after CMC	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.[2] ³ 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 19, 2025	13 weeks after CMC	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
May 27, 2025	14 weeks after CMC	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
June 17, 2025	17 weeks after CMC	Plaintiff files Responsive claim construction brief.
July 1, 2025	19 weeks after CMC	Defendant files Reply claim construction brief.
July 1, 2025	19 weeks after CMC	Parties to jointly email the law clerks (see OGP at 1) to confirm their Markman date and to notify if

³ Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

Deadline	Guideline	Item
		any venue or jurisdictional motions remain unripe for resolution
July 15, 2025	21 weeks after CMC	Plaintiff files a Sur-Reply claim construction brief.
July 18, 2025	3 business days after submission of a sur-reply per OGP	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy. <i>See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).</i>
July 18, 2025	22 weeks after CMC	Parties submit optional technical tutorials to the Court and technical advisor (if appointed).
July 29, 2025 or at the Court's convenience	23 weeks after CMC	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.
July 30, 2025	1 business day after <i>Markman</i> hearing	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
Sept. 9, 2025	6 weeks after <i>Markman</i> hearing	Deadline to add parties.
Sept. 23, 2025	8 weeks after <i>Markman</i> hearing	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 seasonably amend if new information is identified after initial contentions.
Nov. 18, 2025	16 weeks after <i>Markman</i> hearing	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. 27, 2026	26 weeks after <i>Markman</i> hearing	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's law clerk to arrange a teleconference with the Court to resolve the disputed issues.
Feb. 24, 2026	30 weeks after <i>Markman</i> hearing	Close of Fact Discovery

Deadline	Guideline	Item
Mar. 3, 2026	31 weeks after <i>Markman</i> hearing	Opening Expert Reports.
Mar. 31, 2026	35 weeks after <i>Markman</i> hearing	Rebuttal Expert Reports.
Apr. 21, 2026	38 weeks after <i>Markman</i> hearing	Close of Expert Discovery.
Apr. 28, 2026	39 weeks after <i>Markman</i> hearing	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's law clerk 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 5, 2026	40 weeks after <i>Markman</i> hearing	Dispositive motion deadline and Daubert motion deadline. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed). 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/civilforms/notice-consent-and-reference-civil-action-magistratejudge .
May 19, 2026	42 weeks after <i>Markman</i> hearing	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, deposition designations).
June 2, 2026	44 weeks after <i>Markman</i> hearing	Serve objections to pretrial disclosures/rebuttal disclosures.
June 2, 2026	8 weeks before trial	Parties to jointly email the Court's law clerk (See OGP at 1) to confirm their pretrial conference and trial dates.
June 9, 2026	45 weeks after <i>Markman</i> hearing	Serve objections to rebuttal disclosures; file <i>motions in limine</i> .

Deadline	Guideline	Item
June 16, 2026	46 weeks after <i>Markman</i> hearing	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, deposition designations); file oppositions to motions in limine From this date onwards, the parties are obligated to notify the Court of any changes to the asserted patents or claims. Such notification shall be filed on the docket within seven (7) days of the change and shall include a complete listing of all asserted patents and claims. If a change to the asserted patents or claims requires leave of court (for example, if a party is moving for leave to assert additional claims), notification shall not be required until the Court grants leave, at which point the notification must be filed within seven (7) days.
June 23, 2026	47 weeks after <i>Markman</i> hearing	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 Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to file replies to <i>motions in limine</i>.
June 30, 2026	48 weeks after <i>Markman</i> hearing	Deadline to meet and confer regarding remaining objections and disputes on motions in limine.
July 2, 2026	3 business days before Final Pretrial Conference	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in limine.
July 7, 2026	49 weeks after <i>Markman</i> hearing (or as soon as practicable)	Final Pretrial Conference. Held in person unless otherwise requested.
July 28, 2026 or at the Court's convenience	52 weeks after <i>Markman</i> hearing (or as soon as practicable) ⁴	Jury Selection/Trial

⁴ If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-Markman that are consistent with the Court's default deadlines in light of the actual trial date.

SIGNED on this 20th day of May, 2025.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE