IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
DELAWARE

CP STUDIOS, LLC, a Delaware Limited Liability Company, Plaintiff, v. TWITCH INTERACTIVE, INC., a Delaware Corporation, Defendant.	)))))))))))	C.A. No. 26-571 (MN)

[PROPOSED] SCHEDULING ORDER

This _____ day of _____, 2026, the Court having conducted an initial Rule 16(b) scheduling conference pursuant to Local Rule 16.1(b), and the parties having determined after discussion that the matter cannot be resolved at this juncture by settlement, voluntary mediation, or binding arbitration;

IT IS HEREBY ORDERED that:

1. Rule 26(a)(1) Initial Disclosures and E-Discovery Default Standard. Unless otherwise agreed to by the parties, the parties shall make their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) within fourteen (14) days of the date the Court enters this Order. The parties shall meet and confer and submit a proposed E-Discovery Order within thirty (30) days of the date the Court enters this Order.

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 March 9, 2027. Unless otherwise ordered by the Court, any motion to join a party or motion to amend the pleadings shall be made pursuant to the procedures set forth in Paragraphs 7(g) and 8.

3. Application to Court for Protective Order. Should counsel find it will be necessary to apply to the Court for a protective order specifying terms and conditions for the disclosure of confidential information, counsel should confer and attempt to reach an agreement on a proposed form of order and submit it to the Court within thirty (30) days from the date the Court enters this Order. Should counsel be unable to reach an agreement on a proposed form of order, counsel must follow the provisions of Paragraph 7(g) below.

Any proposed protective order must include the following paragraph:

> Other Proceedings. By entering this order and limiting the disclosure of information in this case, the Court does not intend to preclude another court from finding that information may be relevant and subject to disclosure in another case. Any person or party subject to this order who becomes subject to a motion to disclose another party's information designated "confidential" [the parties should list any other level of designation, such as "highly confidential," which may be provided for in the protective order] pursuant to this order shall promptly notify that party of the motion so that the party may have an opportunity to appear and be heard on whether that information should be disclosed.

4. Papers Filed Under Seal. In accordance with section G of the Revised Administrative Procedures Governing Filing and Service by Electronic Means, a redacted version of any sealed document shall be filed electronically within seven (7) days of the filing of the sealed document.

5. Courtesy Copies. The parties shall provide to the Court two (2) courtesy copies of all briefs and any other document filed in support of any briefs (*i.e.*, appendices, exhibits, declarations, affidavits, *etc.*). This provision also applies to papers filed under seal. All courtesy copies shall be double-sided.

6. Disclosures. Absent agreement among the parties and approval of the Court:

(a) By September 24, 2026, Plaintiff shall identify the accused product(s),

including accused methods and systems, and its damages model, as well as the asserted patent(s) that the accused product(s) allegedly infringe(s). Plaintiff shall also produce the file history for each asserted patent.

(b) By November 12, 2026, Defendant shall produce core technical documents related to the accused product(s), sufficient to show how the accused product(s) work(s), including but not limited to non-publicly available operation manuals, product literature, schematics, and specifications. Defendant shall also produce sales figures for the accused product(s).

(c) By January 4, 2027, Plaintiff shall produce its initial infringement contentions including an initial claim chart relating each known accused product to the asserted claims each such product allegedly infringes. Plaintiff shall identify no more than thirty-two (32) asserted claims; *provided, however*, that Plaintiff may also chart substantively identical claims exceeding this number ("Alternative Claims") as long as those claims are clearly labeled and the total asserted claims (including Alternative Claims) do not exceed sixty (60) claims.[1]

(d) By March 2, 2027, Defendant shall produce its initial invalidity contentions for each asserted claim, as well as the known related invalidating references. Defendant shall identify no more than fifty-five (55) prior art references.

(e) By October 5, 2027, Plaintiff shall provide final infringement contentions. Plaintiff shall identify no more than sixteen (16) asserted claims selected from the previously identified claims in Section 6(c) of this Order, absent good cause to include a claim not previously identified in Plaintiff's initial infringement contentions.

[1] Claims are "substantively identical" if there are no material differences in their limitations' scope above and beyond the form in which they are drafted, *i.e.*, method, apparatus, or computer-readable medium.

(f) By October 26, 2027, Defendant shall provide final invalidity contentions. Defendant shall identify no more than twenty (20) prior art references selected from the previously identified prior art references in Section 6(d) of this Order, absent good cause to include a prior art not previously identified in Defendant's initial invalidity contentions.

(g) By November 23, 2027, Plaintiff shall provide final validity contentions.

(h) By November 9, 2027, Defendant shall provide final non-infringement contentions.

7. Discovery. Unless otherwise ordered by the Court or agreed to by the parties, the limitations on discovery set forth in the Federal Rules shall be strictly observed.

(a) Fact Discovery Cut-Off. All fact discovery in this case shall be initiated so that it will be completed on or before September 23, 2027.

(b) Document Production. Document production shall be substantially complete by April 13, 2027.

(c) Requests for Admission. A maximum of thirty (30) requests for admission are permitted for each side. The foregoing limitations are exclusive of requests to admit the authenticity and/or admissibility of documents at trial, provided, however, that the parties agree to work in good faith, as part of pretrial negotiations, toward a suitable stipulation regarding the authenticity and admissibility of intended trial exhibits.

(d) Interrogatories.

i. A maximum of twenty-five (25) interrogatories, including contention interrogatories, are permitted for each side.

ii. The Court encourages the parties to serve and respond to

contention interrogatories early in the case. In the absence of agreement among the parties, contention interrogatories, if served, shall first be addressed by the party with the burden of proof. The adequacy of all interrogatory answers shall be judged by the level of detail each party provides (*i.e.*, the more detail a party provides, the more detail a party shall receive).

(e) Depositions.

i. Limitation on Hours for Deposition Discovery. Each side may take up to ten (10) depositions (inclusive of both Rule 30(b)(1) and 30(b)(6)) not to exceed seventy (70) total hours. Each deposition of an individual in their personal (non-Rule 30(b)(6)) capacity shall count as one (1) deposition and be limited to seven (7) hours. Each Rule 30(b)(6) deposition shall count as one deposition (regardless of how many representatives are designated to testify). For the sake of clarity, these limits shall not apply to third parties or experts.

ii. Location of Depositions. The noticing party may elect to conduct the deposition remotely by videoconference (including Zoom or comparable platform) or in person. If a deposition is conducted remotely, the defending party has the right to defend the witness in person. If the noticing party elects to proceed in person, Rule 30(b)(6) depositions shall proceed where the party is headquartered and Rule 30(b)(1) depositions shall proceed where the witness resides and/or works, unless otherwise agreed. To the extent a party intends to call a witness at trial, said witness shall be made available for deposition within the continental United States, unless otherwise agreed.

(f) Disclosure of Expert Testimony.

i. Expert Reports. For the party who has the initial burden of proof on the subject matter, the initial Federal Rule of Civil Procedure 26(a)(2) disclosure of expert testimony is due on or before April 5, 2028. The supplemental disclosure to contradict or rebut

evidence on the same matter identified by another party is due on or before May 3, 2028. Reply expert reports from the party with the initial burden of proof are due on or before May 24, 2028. 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 reply expert reports, the parties shall advise each other of the dates and times when their experts are available for deposition.

ii. Expert Report Supplementation. The parties agree they will not permit expert declarations to be filed in connection with dispositive motion briefing, except to authenticate under Fed. R. Civ. P. 56(c)(4) portion(s) of an expert report submitted pursuant to subsection (i) above. The parties agree that a party may submit an expert declaration in connection with its claim construction briefing and must, concurrently with service of the declaration, provide that expert's availability for a deposition of no more than four (4) hours.

iii. Objections to Expert Testimony. To the extent any objection to expert testimony is made pursuant to the principles announced in *Daubert v. Merrell Dow Pharmaceuticals, 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.

iv. Expert Discovery Cut-Off. All expert discovery in this case shall be initiated so that it will be completed on or before June 23, 2028.

(g) Discovery Matters and Disputes Relating to Protective Orders.

i. Any discovery motion filed without first complying with the following procedures will be denied without prejudice to renew pursuant to these procedures.

ii. Should counsel find, after a reasonable effort pursuant to Local

Rule 7.1.1, that they are unable to resolve a discovery matter or a dispute relating to a protective order, the parties involved in the discovery matter or protective order dispute shall contact the Court's Judicial Administrator to schedule a conference.

iii. On a date to be set by separate order, generally not less than four (4) days prior to the conference, the party seeking relief shall file with the Court a letter, not to exceed three (3) pages, outlining the issues in dispute and its position on those issues. On a date to be set by separate order, but generally not less than three (3) days prior to the conference, any party opposing the application for relief may file a letter, not to exceed three (3) pages, outlining that party's reasons for its opposition.

iv. The parties shall provide to the Court two (2) courtesy copies of their discovery letters and any other documents filed in support of those letters (*i.e.*, appendices, exhibits, declarations, affidavits, *etc.*). This provision also applies to papers filed under seal. All courtesy copies shall be double-sided.

v. Should the Court find further briefing necessary upon conclusion of the conference, the Court will order it. Alternatively, the Court may choose to resolve the dispute prior to the conference and will, in that event, cancel the conference.

8. Motions to Amend / Motions to Strike.

(a) Any motion to amend (including a motion for leave to amend) a pleading or any motion to strike any pleading or other document shall be made pursuant to the discovery dispute procedure set forth in Paragraph 7(g) above.

(b) Any such motion shall attach the proposed amended pleading as well as a "redline" comparison to the prior pleading or attach the document to be stricken.

9. Technology Tutorials. Although technology tutorials are not required by the

Court, they are appreciated and, if any party chooses to file such a tutorial, it shall be submitted on or before the date that the Joint Claim Construction Brief is filed.

10. Claim Construction Issue Identification. On March 16, 2027, the parties shall exchange a list of those claim term(s)/phrase(s) that they believe need construction. On April 6, 2027, the parties shall exchange their proposed claim construction of those term(s)/phrase(s) identified for construction.[2] These documents will not be filed with the Court. Subsequent to exchanging that list, the parties will meet and confer to prepare a Joint Claim Construction Chart to be submitted two weeks prior to service of the opening claim construction brief. The parties' Joint Claim Construction Chart should identify for the Court the 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. Intrinsic evidence (including copies of the patent(s) at issue) shall NOT be attached to the Joint Claim Construction Chart and, instead, the parties shall include a Joint Appendix with the Joint Claim Construction Brief, and the Joint Appendix shall include a copy of the patent(s) at issue and portions of all relevant intrinsic evidence that would have otherwise been included with the Joint Claim Construction Chart, as well as any additional evidence cited in the parties' briefing.

11. Claim Construction Briefing. Plaintiff shall serve, but not file, its opening brief, not to exceed 20 pages, on December 15, 2027. Defendant shall serve, but not file, its answering brief, not to exceed 30 pages, on January 14, 2028. Plaintiff shall serve, but not file, its reply brief, not to exceed 20 pages, on January 26, 2028. Defendant shall serve, but not file, its sur-reply brief, not to exceed 10 pages, on February 9, 2028. No later than February 16, 2028, the parties shall file a Joint Claim Construction Brief. The parties shall copy and paste their

[2] If a party proposes a construction of a term to be its "plain and ordinary" meaning, the party must explain what that meaning is and how it differs from the other party's proposed construction.

unfiled briefs into one brief, with their positions on each claim term in sequential order, in substantially the form below. If the joint brief as submitted is more than 80 pages, the parties must certify that the page limits (or equivalent word counts) in the Scheduling Order have been complied with and provide a brief explanation (*e.g.*, formatting issues, listing of agreed-upon terms) as to why the brief is longer than 80 pages.

JOINT CLAIM CONSTRUCTION

BRIEF

I. Agreed-Upon Constructions

II. Disputed

Constructions

[TERM 1]

1. Plaintiff's Opening Position
2. Defendant's Answering Position
3. Plaintiff's Reply Position
4. Defendant's Sur-Reply Position

[TERM 2]

1. Plaintiff's Opening Position
2. Defendant's Answering Position
3. Plaintiff's Reply Position
4. Defendant's Sur-Reply Position

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 index, the parties shall submit them in a Joint Appendix.

12. Hearing on Claim Construction. Beginning at _____ on March ____, 2028, the Court will hear argument on claim construction. The parties need not include any general summaries of the law relating to claim construction in their presentations to the Court. The parties shall notify the Court, by joint letter submission, no later than the date on which their Joint Claim Construction brief is filed: (i) whether they request leave to present testimony at the hearing; and (ii) the amount of time they are requesting be allocated to them for the hearing. Provided that the parties comply with all portions of this Scheduling Order, and any other orders of the Court, the parties should anticipate that the Court will issue its claim construction order within sixty (60) days of the conclusion of the claim construction hearing. If the Court is unable to meet this goal, it will advise the parties no later than sixty (60) days after the conclusion of the claim construction hearing.

13. Supplementation. Absent agreement among the parties and approval of the Court, no later than October 5, 2027, Plaintiff must finally supplement, *inter alia,* the identification of all accused products, and no later than October 26, 2027, Defendant must finally supplement, *inter alia*, the identification of all prior art references.

14. Case Dispositive Motions.

(a) All case dispositive motions, opening briefs, and affidavits, if any, in support of those motions shall be served and filed on or before July 12, 2028. Answering briefs shall be served and filed on or before August 9, 2028. Reply briefs shall be served and filed on or before August 30, 2028. No case dispositive motion under Rule 56 may be filed more than ten (10) days before the deadline for case dispositive motions stated above without leave of the Court.

(b) Concise Statement of Facts Requirement. Any motion for summary judgment shall be accompanied by a separate concise statement, not to exceed six (6)

pages, which details each material fact which the moving party contends is essential for the Court's resolution of the summary judgment motion (not the entire case) and as to which the moving party contends there is no genuine issue to be tried. Each fact shall be set forth in a separate numbered paragraph and shall be supported by specific citation(s) to the record.

(c) Any party opposing the motion shall include with its opposing papers a response to the moving party's concise statement, not to exceed six (6) pages, which admits or disputes the facts set forth in the moving party's concise statement on a paragraph-by-paragraph basis. To the extent a fact is disputed, the basis of the dispute shall be supported by specific citation(s) to the record. Failure to respond to a fact presented in the moving party's concise statement of facts shall indicate that fact is not in dispute for purposes of summary judgment. The party opposing the motion may also include with its opposing papers a separate concise statement, not to exceed four (4) pages, which sets forth material facts as to which the opposing party contends there is a genuine issue to be tried. Each fact asserted by the opposing party shall also be set forth in a separate numbered paragraph and shall be supported by specific citation(s) to the record.

(d) The moving party shall include with its reply papers a response to the opposing party's concise statement of facts, not to exceed four (4) pages, on a paragraph-by-paragraph basis. Failure to respond to a fact presented in the opposing party's concise statement of facts shall indicate that fact remains in dispute for purposes of summary judgment.

(e) Page Limits Combined with *Daubert* Motion Page Limits. Each party is permitted to file as many case dispositive motions as desired, provided, however, that each ***SIDE*** will be limited to a combined total of 40 pages for all opening briefs, a combined total of 40 pages for all answering briefs, and a combined total of 20 pages for all reply briefs regardless of the number of case dispositive motions that are filed. In the event that a party files, in addition to

a case dispositive motion, a *Daubert* motion to exclude or preclude all or any portion of an expert's testimony, the total amount of pages permitted for all case dispositive and *Daubert* motions shall be increased to 50 pages for all opening briefs, 50 pages for all answering briefs, and 25 pages for all reply briefs for each ***SIDE***.[3]

15. Applications by Motion. Except as otherwise specified herein, any application to the Court shall be by written motion. Any non-dispositive motion should contain the statement required by Local Rule 7.1.1.

16. Motions *in Limine*. Motions *in limine* shall not be separately filed. All *in limine* requests and responses thereto shall be set forth in the proposed pretrial order. Each ***SIDE*** shall be limited to three (3) *in limine* requests, unless otherwise permitted by the Court. The *in limine* request and any response shall contain the authorities relied upon; each *in limine* request may be supported by a maximum of three (3) pages of argument, may be opposed by a maximum of three (3) pages of argument, and the side making the *in limine* request may add a maximum of one (1) additional page in reply in support of its request. If more than one party is supporting or opposing an *in limine* request, such support or opposition shall be combined in a single three (3)-page submission (and, if the moving party, a single one (1)-page reply), unless otherwise ordered by the Court. No separate briefing shall be submitted on *in limine* requests, unless otherwise permitted by the Court.

17. Pretrial Conference. On December ____, 2028, the Court will hold a pretrial conference in Court with counsel beginning at ____. Unless otherwise ordered by the Court, the

[3] The parties must work together to ensure that the Court receives no more than a *total* of *250 pages* (*i.e.*, 50 + 50 + 25 regarding one side's motions, and 50 + 50 + 25 regarding the other side's motions) of briefing on all case dispositive motions and *Daubert* motions that are covered by this Scheduling Order and any other scheduling order entered in any related case that is proceeding on a consolidated or coordinated pretrial schedule.

parties should assume that filing the pretrial order satisfies the pretrial disclosure requirement of Federal Rule of Civil Procedure 26(a)(3). The parties shall file with the Court the joint proposed final pretrial order in compliance with Local Rule 16.3(c) and the Court's Preferences and Procedures for Civil Cases not later than seven (7) days before the pretrial conference. Unless otherwise ordered by the Court, the parties shall comply with the timeframes set forth in Local Rule 16.3(d)(1)-(3) for the preparation of the joint proposed final pretrial order. The parties shall provide the Court two (2) double-sided courtesy copies of the joint proposed final pretrial order and all attachments. The proposed final pretrial order shall contain a table of contents and the paragraphs shall be numbered.

18. Jury Instructions, Voir Dire, and Special Verdict Forms. Where a case is to be tried to a jury, pursuant to Local Rules 47.1(a)(2) and 51.1, the parties should file (i) proposed voir dire, (ii) preliminary jury instructions, (iii) final jury instructions, and (iv) special verdict forms seven (7) days before the final pretrial conference. This submission shall be accompanied by a courtesy copy containing electronic files of these documents, in Microsoft Word format, which may be submitted by e-mail to mn_civil@ded.uscourts.gov.

19. Trial. This matter is scheduled for a five (5)-day jury trial beginning at 9:30 a.m. on January _____, 2029, with the subsequent trial days beginning at 9:00 a.m. Until the case is submitted to the jury for deliberations, the jury will be excused each day at 4:30 p.m. The trial will be timed, as counsel will be allocated a total number of hours in which to present their respective cases.

20. Judgment on Verdict and Post-Trial Status Report. Within seven (7) days after a jury returns a verdict in any portion of a jury trial, the parties shall jointly submit a form of order to enter judgment on the verdict. At the same time, the parties shall submit a joint status

report, indicating, *inter alia*, how the case should proceed and listing any post-trial motions each party intends to file.

21. Post-Trial Motions. Unless otherwise ordered by the Court, each ***SIDE*** is limited to a maximum of 20 pages of opening briefs, 20 pages of answering briefs, and 10 pages of reply briefs relating to any post-trial motions filed by that Side, no matter how many such motions are filed.

The Honorable Maryellen Noreika
United States District Judge

Chart of All Relevant Deadlines

EVENT	AGREED PROPOSED DEADLINE
Rule 26(a)(1) Initial Disclosures	14 days after entry of the Scheduling Order
Proposed Protective Order	30 days after entry of Scheduling Order
Proposed E-Discovery Order	30 days after entry of Scheduling Order
Plaintiff shall identify asserted patent(s), the accused product(s), and damages model. Plaintiff shall also produce the file history for each asserted patent.	September 24, 2026
Defendant shall produce core technical documents and sales figures for the accused product(s).	November 12, 2026
Initial Infringement Contentions pursuant to Section 6 of the Scheduling Order.	January 4, 2027
Initial Invalidity Contentions pursuant to Section 6 of the Scheduling Order.	March 2, 2027
Joinder of Other Parties and Amendment of Pleadings.	March 9, 2027
The parties shall exchange a list of those claim term(s)/phrase(s) that they believe need construction	March 16, 2027
The parties shall provide their proposed construction for any term(s)/phrase(s) identified for construction	April 6, 2027
Substantial Completion of Document Production	April 13, 2027
Interim Status Report on Discovery	May 11, 2027
Close of Fact Discovery	September 23, 2027
Plaintiff's final infringement contentions and final identification of accused products, pursuant to Section 6 of the Scheduling Order.	October 5, 2027

EVENT	AGREED PROPOSED DEADLINE
Defendant's final invalidity contentions and final identification of prior art references, pursuant to Section 6 of the Scheduling Order.	October 26, 2027
Defendant's final non-infringement contentions	November 9, 2027
Plaintiff's final validity contentions	November 23, 2027
Joint Claim Construction Chart	December 1, 2027
Plaintiff's Opening Claim Construction Brief	December 15, 2027
Defendant's Answering Claim Construction Brief	January 14, 2028
Plaintiff's Reply Claim Construction Brief	January 26, 2028
Defendant's Sur-Reply Claim Construction Brief	February 9, 2028
Joint Claim Construction Brief and Technology Tutorial; Deadline to Request Leave to Present Testimony at Claim Construction Hearing and Inform Court of Time Needed for Hearing	February 16, 2028
Claim Construction Hearing	March __, 2028
Opening Expert Reports	April 5, 2028
Rebuttal Expert Reports	May 3, 2028
Reply Expert Reports	May 24, 2028
Expert Discovery Cut-Off	June 23, 2028
Case Dispositive Motions and *Daubert* Motions	July 12, 2028
Answering Briefs to Case Dispositive Motions and *Daubert* Motions	August 9, 2028
Reply Briefs in Support of Case Dispositive Motions and *Daubert* Motions	August 30, 2028
Deadline to File Joint Proposed Final Pretrial Order, including proposed *voir dire*, preliminary jury instructions, final jury instructions, and special verdict forms	December __, 2028

EVENT	AGREED PROPOSED DEADLINE
Pretrial Conference	December __, 2028
Trial	Mid-Late January __, 2029