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

Vervain, LLC, Plaintiff, v. Phison Electronics Corporation, Defendant.	Civil Action No. 1:24-cv-259-ADA **JURY TRIAL DEMANDED**

AGREED SCHEDULING ORDER

Pursuant to the Court's Standing Order Governing Proceedings in Patent Cases, the Court **ORDERS** that the following schedule will govern deadlines up to and including the trial of this matter:

Scheduling Item	Default	Proposed Schedule
Plaintiff serves preliminary infringement contentions and initial production	6/21/2024 (7 days before CMC)	6/21/2024
Deadline for motions to transfer	7/19/2024 (3 weeks after CMC)	7/19/2024
Defendants serve preliminary invalidity contentions and initial production	8/16/2024 (7 weeks after CMC)	8/16/2024
Parties exchange claim terms for construction	8/30/2024 (9 weeks after CMC)	8/30/2024
Parties exchange proposed claim construction	9/13/2024 (11 weeks after CMC)	9/13/2024
Parties disclose extrinsic evidence	9/20/2024 (12 weeks after CMC)	9/20/2024

Scheduling Item	Default	Proposed Schedule
Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions	9/27/2024 (13 weeks after CMC)	9/27/2024
Defendant files Opening claim construction brief, including any arguments that any claim terms are not indefinite	10/4/2024 (14 weeks after CMC)	10/4/2024
Plaintiff files Responsive claim construction brief	10/25/2024 (17 weeks after CMC)	10/25/2024
Defendant files Reply claim construction brief	11/8/2024 (19 weeks after CMC)	11/8/2024
Plaintiff files a Sur-Reply claim construction brief	11/22/2024 (21 weeks after CMC)	11/22/2024
Parties submit Joint Claim Construction Statement	11/27/2024 (3 bus. days after sur-reply)	11/27/2024
Optional technology tutorials due	11/26/2024 (22 weeks after CMC, but at least 10 days bef. *Markman*)	11/26/2024
Markman hearing initially scheduled	12/6/2024 (23 weeks after CMC, or as soon as practicable)	12/5/2024
Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a)	12/9/2024 (1 bus. day after *Markman*)	12/9/2024
Deadline to add parties	1/17/2025 (6 weeks after *Markman*)	1/17/2025
Deadline to serve Final Infringement and Invalidity Contentions	1/31/2025 (8 weeks after *Markman*)	1/31/2025
Deadline to amend pleadings	3/28/2025 (16 weeks after *Markman*)	3/28/2025
Deadline for the first of two meet and confers to discuss significantly narrowing	6/6/2025 (26 weeks after *Markman*)	6/6/2025

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Scheduling Item	Default	Proposed Schedule
the number of claims asserted and prior art references at issue		
Close of Fact Discovery	7/7/2025[1] (30 weeks after *Markman*)	7/7/2025
Opening Expert Reports	7/11/2025 (31 weeks after *Markman*)	7/11/2025
Rebuttal Expert Reports	8/8/2025 (35 weeks after *Markman*)	8/8/2025
Close of Expert Discovery	8/29/2025 (38 weeks after *Markman*)	8/29/2025
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	9/5/2025 (39 weeks after *Markman*)	9/5/2025
Dispositive motion deadline and *Daubert* motion deadline	9/12/2025 (40 weeks after *Markman*)	9/12/2025
Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations)	9/26/2025 (42 weeks after *Markman*)	9/26/2025
Serve objections to pretrial disclosures/rebuttal disclosures	10/10/2025 (44 weeks after *Markman*)	10/10/2025
Parties to jointly email the Court's law clerk (See OGP at 1) to confirm their pretrial conference and trial dates	10/10/2025 (8 weeks before trial)	10/10/2025
Serve objections to rebuttal disclosures and File Motions in limine	10/17/2025 (45 weeks after *Markman*)	10/17/2025
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions in limine	10/24/2025 (46 weeks after *Markman*)	10/24/2025

[1] July 4, 2025 is Independence Day.

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Scheduling Item	Default	Proposed Schedule
File Notice of Request for Daily Transcript or Real Time Reporting; Deadline to file replies to motions in limine	10/31/2025 (47 weeks after *Markman*)	10/31/2025
Deadline to meet and confer regarding remaining objections and disputes on motions in limine.	11/7/2025 (48 weeks after Markman)	11/7/2025
File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in limine	11/10/2025[2] (3 bus. days bef. Final Pretrial Conference)	11/10/2025
Final Pretrial Conference	11/14/2025 (49 weeks after *Markman*, or as soon as practicable)	11/18/2025
Jury Selection/Trial	12/5/2025 (52 weeks after *Markman*, or as soon as practicable)	12/15/2025 at 9:30 A.M.

SIGNED this 15th day of July, 2024.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

[2] November 11, 2025 is Veterans Day.

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