

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**OPTIS WIRELESS TECHNOLOGY, LLC AND
PANOPTIS PATENT MANAGEMENT, LLC,**

Plaintiffs,

v.

ZTE CORPORATION AND ZTE (USA) INC.,

Defendants.

Civil Action No. 2:15-cv-300-JRG-RSP

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION TO
FURTHER AMEND THE DOCKET CONTROL ORDER**

The Court, having considered Plaintiffs Optis Wireless Technology, LLC's and PanOptis Patent Management, LLC's (together, "PanOptis") Unopposed Motion to Further Amend the Docket Control Order (Dkt. 36), as previously amended by the Orders Granting Plaintiffs' Motions to Amend the Docket Control Order (Dkt. 102 and 112), and the Court being of the opinion that for good cause the same should be GRANTED, it is therefore,

ORDERED that the Unopposed Motion to Further Amend the Docket Control Order is granted, and is hereby amended as follows:

ACTION	CURRENT DATE IN COURT'S ORDER [DKT. 112]	NEW DATE
Deadline to Complete Fact Discovery and File Motions to Compel Discovery	April 25, 2016	May 2, 2016
Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof (opening expert reports)	April 25, 2016	May 2, 2016
*Deadline to File Letter Briefs Regarding Dispositive Motions¹	May 6, 2016	

¹ Entries in bold and with an "*" indicate deadlines that cannot be changed without showing good cause.

ACTION	CURRENT DATE IN COURT'S ORDER [DKT. 112]	NEW DATE
Serve Disclosures for Rebuttal Expert Witnesses (rebuttal reports)	May 20, 2016	
*File Dispositive Motions or Motions to Strike Expert Testimony (including Daubert Motions)	May 30, 2016	
Deadline to Complete Expert Discovery	June 3, 2016	
Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof	June 17, 2016	
*File Notice of Request for Daily Transcript or Real Time Reporting.	June 20, 2016	
Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures	June 24, 2016	
File Motions in Limine The parties shall limit their motions in limine to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.	July 8, 2016	
Serve Objections to Rebuttal Pretrial Disclosures	July 8, 2016	
*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, and Responses to Motions in Limine	July 13, 2016	
*Notify Court of Agreements Reached During Meet and Confer	July 15, 2016	
*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Roy Payne	July 27, 2016	
*Jury Selection – 9:00 a.m. in Marshall, Texas	August 15, 2016	

ADDITIONAL REQUIREMENTS

Summary Judgment Motions: Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than five (5) pages and shall be filed with the Court no later than the deadline for filing letter briefs. Answering letter briefs in each of those matters shall be no longer than five (5) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than five (5) days thereafter. The Court may decide the question on the submissions or hold a hearing or telephone conference to hear arguments and to determine whether the filing of any motion will be permitted. Letter briefs shall be filed without exhibits. Any requests to submit letter briefs after the deadlines outlined above must show good cause.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order (“DCO”): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

SIGNED this 19th day of April, 2016.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE