

November 1, 2013	<p>Motions in <i>Limine</i> due</p> <p>The parties are ordered to meet and confer on their respective motions <i>in limine</i> and advise the court of any agreements in this regard by 1:00 p.m. three business days before the pretrial conference. The parties shall limit their motions <i>in limine</i> to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).</p>
October 28, 2013	<p>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings 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 e-mail the Court Reporter, Susan Simmons, at lssimmons@yahoo.com.</p>
August 23, 2013	<p>Response to Dispositive Motions (including <i>Daubert</i> Motions)³</p> <p>Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV-56.</p>
July 26, 2013	Deadline for Filing Dispositive Motions and any other motions that may require a hearing (including <i>Daubert</i> motions)
July 3, 2013	Defendants to Identify Trial Witnesses
June 19, 2013	Plaintiff to Identify Trial Witnesses
June 7, 2013	Discovery Deadline
May 9, 2013	Rebuttal Expert Witness Reports
April 11, 2013	Expert Witness Reports for Parties with Burden of Proof on an Issue

³ The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **14 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

December 5, 2012	Claim Construction Hearing ⁴ 9:00 am, Marshall, Texas
November 21, 2012	Comply with P.R. 4-5(d)
November 21, 2012	Comply with P.R. 4-5(c)
November 7, 2012	Comply with P.R. 4-5(b)
October 10, 2012	Comply with P.R. 4-5(a)
August 29, 2012	Discovery Deadline – Claim Construction Issues
August 15, 2012	Comply with P.R. 4-3
July 11, 2012	Comply with P.R. 4-2
June 13, 2012	Comply with P.R. 4-1
January 13, 2012	Respond to Amended Pleadings
December 2, 2011	<p>Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein.)</p>
September 14, 2012	<p>Mediation to be completed If the parties agree that mediation is an option, the Court will appoint a mediator or the parties will mutually agree upon a mediator. If the parties choose the mediator, they are to inform the Court by letter of the name and address of the mediator. The courtroom deputy will immediately mail out a “mediation packet” to the mediator for the case. The mediator shall be deemed to have agreed to the terms of Court Ordered Mediation Plan of the United States District Court of the Eastern District of Texas by going forth with the mediation. General Order 99-2.</p>
April 20, 2012	Privilege Logs to be exchanged by Parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents)

⁴ Parties agree that for judicial economy and the convenience of the Court and parties, a single Markman hearing should be conducted for the two related U.S. patents (i.e., USP 7,392,287 and USP 7,856,474), which collectively are involved this case (2:10-cv-364) and the three related cases (2:10-cv-365, 2:10-cv-577, and 2:10-cv-578). Accordingly, the provisions outlined in P.R. 4 (Claim Construction Proceedings) apply to both patents-in-suit and all submissions made in accordance with these patent rules shall be consolidated for all four cases.

May 19, 2011	Join Additional Parties
September 23, 2011	Defendants to comply with P.R. 3-3 and 3-4
May 5, 2011	Plaintiff to comply with P.R. 3-1 and 3-2

LIMITATIONS ON MOTIONS PRACTICE

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 sixty (60) days before the deadline for filing summary judgment motions. 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.

Motions to Strike Expert Testimony/Daubert Motions: Prior to filing any Motions to Strike or Daubert Motions, 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 three (3) pages and shall be filed with the Court no later than sixty (60) days before the deadline for filing Motions to Strike or Daubert Motions. Answering letter briefs in each of those matters shall be no longer than three (3) 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 two (2) pages and filed with the Court no later than five (5) days thereafter. The Court may hold a hearing or telephone conference to hear arguments and to determine whether the filing of any motion will be permitted.

For all of the above mentioned motions, the letter briefs shall be filed without exhibits. Any requests to submit letter briefs after the deadlines outlined above must show good cause.

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions that are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. 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.