

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

March 12, 2014

Defendant to Identify Trial Witnesses

Plaintiff to Identify Trial Witnesses

February 26, 2014

Mediation to be completed

February 19, 2014

Deadline for filing Dispositive Motions and any other motions that may require a hearing (including *Daubert* motions)

January 31, 2014

Discovery Deadline

60 Days after claim construction ruling
Designate Rebuttal Expert Witnesses other than claims Construction
Expert witness report due
Refer to Discovery Order for required information.

30 Days after claim construction ruling
Comply with P.R. 3-7

30 Days after claim construction ruling Party with the burden of proof to designate Expert Witnesses other than claims construction
Expert witness report due
Refer to Discovery Order for required information.

September 4, 2013

Claim construction hearing 9:00 a.m., **Marshall, Texas.**

August 6, 2013

Comply with P.R. 4-5(d)

July 19, 2013

Comply with P.R. 4-5(c).

June 28, 2013

Comply with P.R. 4-5(b).

June 7, 2013

Comply with P.R. 4-5(a).

June 3, 2013

Discovery deadline—claim construction issues

May 24, 2013

Comply with P.R. 4-3.

April 26, 2013	Comply with P.R. 4-2.
March 29, 2013	Comply with P.R. 4-1.
March 1, 2013	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).
February 15, 2013	Respond to Amended Pleadings
February 1, 2013	Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings except to the extent the amendment seeks to add a new patent in suit. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein.)
December 18, 2012	Patentee shall limit the number of asserted claims to no more than ten (10) and notify the accused infringer and Court
September 28, 2012	Join Additional Parties
February 15, 2012	Defendants to comply with P.R. 3-3 and 3-4
November 14, 2011	Plaintiff to comply with P.R. 3-1 and 3-2
December 16, 2011	Initial Disclosures due per Discovery Order.

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 which 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.

IT IS SO ORDERED.

SIGNED this 3rd day of November, 2011.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE