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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Plaintiff,

v.

ZILLOW GROUP, INC.; and  
ZILLOW, INC.,

Defendants.

C20-851 TSZ

MINUTE ORDER SETTING  
TRIAL DATE AND RELATED  
DEADLINES

<b>JURY TRIAL DATE (5–10 days)</b>	<b>June 20, 2023</b>
Parties to exchange preliminary proposed constructions of disputed claim terms and lists of proposed extrinsic evidence	May 19, 2022
Joint Claim Chart and Prehearing Statement due	June 15, 2022
Parties to disclose reports from expert witnesses, if any, regarding <u>Markman</u> issues	June 15, 2022
Parties to disclose rebuttal expert reports, if any, regarding <u>Markman</u> issues	July 18, 2022
Deadline for completion of claim construction discovery and for amending pleadings	August 4, 2022

1 Opening claim construction briefs filed by August 11, 2022  
(and noted for August 26, 2022)

2 Responsive claim construction briefs filed by August 26, 2022  
3

4 **If a claim construction (Markman) hearing is necessary,  
one will be set upon at least 20 days' notice to the parties.**

5 Reports from expert witnesses under FRCP 26(a)(2) due October 21, 2022

6 Rebuttal expert reports due November 21, 2022  
7

8 All discovery motions must be filed by January 12, 2023  
(and noted on the motion calendar for the third Friday thereafter)

9 Discovery completed by February 17, 2023

10 All dispositive motions must be filed by March 2, 2023  
(and noted on the motion calendar for the fourth Friday thereafter;  
11 see LCR 7(d))

12 All motions related to expert witnesses must be filed by March 9, 2023  
(and noted on the motion calendar for the third Friday thereafter;  
13 see LCR 7(d))

14 All motions *in limine* must be filed by May 18, 2023  
(and noted on the motion calendar for the third Friday thereafter)

15 Agreed pretrial order due May 24, 2023

16 Trial briefs, proposed voir dire questions, proposed jury  
17 instructions, and trial exhibits due May 24, 2023

18 Pretrial Conference at 10:00 a.m. on June 9, 2023

19 These dates are set at the direction of the Court after reviewing the joint status  
20 report and discovery plan submitted by the parties. All other dates are specified in the  
21 Local Civil Rules and Local Patent Rules. These are firm dates that can be changed only  
22  
23

1 by order of the Court, not by agreement of counsel or the parties. The Court will alter  
2 these dates only upon good cause shown: failure to complete discovery within the time  
3 allowed is not recognized as good cause.

4 If the trial date, pretrial conference date, or deadlines assigned to this matter create  
5 an irreconcilable conflict, counsel must notify Judge Zilly's Chambers at (206) 370-8830,  
6 within 14 days of the date of this Minute Order and explain the exact nature of the  
7 conflict. A failure to do so will be deemed a waiver. Counsel must be prepared to begin  
8 trial on the date scheduled, but should understand that the trial might have to await the  
9 completion of other cases.

#### 10 Claim Construction and *Markman* Hearing

11 Any claim construction hearing will be set for a half-day (2.5 hours). If more or  
12 less time is required, the parties are instructed to inform Judge Zilly's Chambers at  
13 (206) 370-8830. With regard to U.S. Patent No. 7,072,849, the parties should address in  
14 their claim construction briefs (i) the extent to which the parties agree that the Court  
15 should adopt the claim construction set forth in Chewy, Inc. v. International Business  
16 Machines Corp., S.D.N.Y. Case No. 1:21-cv-1319 (Nov. 9, 2021) (docket no. 90); and  
17 (ii) the proposed interpretation of any claims either not construed in Chewy or as to  
18 which one or the other party challenges the ruling in Chewy.

19 PLEASE NOTE: The Court will not rule on dispositive motions that raise issues  
20 of claim construction prior to the Markman Hearing, unless special circumstances  
21 warrant doing so and leave of Court is obtained in advance of filing.

1 Exhibits

2 The original and one copy of any exhibits to be used at any Markman Hearing  
3 and/or trial are to be delivered to the Court at least five (5) days before the hearing and/or  
4 trial date at a time coordinated with Courtroom Deputy Clerk Gail Glass, who can be  
5 reached at (206) 370-8522.

6 Notwithstanding Local Civil Rule 16.1, the exhibit list shall be prepared in table  
7 format with the following columns: “Exhibit Number,” “Description,” “Admissibility  
8 Stipulated,” “Authenticity Stipulated/Admissibility Disputed,” “Authenticity Disputed,”  
9 and “Admitted.” The latter column is for the Clerk’s convenience and shall remain  
10 blank, but the parties shall indicate the status of an exhibit’s authenticity and  
11 admissibility by placing an “X” in the appropriate column. Duplicate documents shall  
12 not be listed twice: once a party has identified an exhibit in the pretrial order, any party  
13 may use it.

14 Each set of exhibits shall be submitted in a three-ring binder with appropriately  
15 numbered tabs. Each exhibit shall be clearly marked. Plaintiff’s exhibits shall be  
16 numbered consecutively beginning with 1; defendant’s exhibits shall be numbered  
17 consecutively beginning with the next multiple of 100 after plaintiff’s last exhibit; any  
18 other party’s exhibits shall be numbered consecutively beginning with the next multiple  
19 of 100 after defendant’s last exhibit. For example, if plaintiff’s last exhibit is numbered  
20 159, then defendant’s exhibits shall begin with the number 200; if defendant’s last exhibit  
21 number is 321, then any other party’s exhibits shall begin with the number 400.

Settlement

Should this case settle, counsel shall notify Judge Zilly’s Chambers at (206) 370-8830 as soon as possible.

Dated this 1st day of April, 2022.

Ravi Subramanian  
Clerk

s/Gail Glass  
Deputy Clerk

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