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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DATANET LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

CASE NO. 22-cv-1545

MINUTE ORDER SETTING
TRIAL DATE AND RELATED
DEADLINES

JURY TRIAL DATE (7 to 10 days)	December 9, 2024
Statement of asserted claims and preliminary infringement contentions due	June 29, 2023
Statement of preliminary non-infringement and invalidity contentions due	July 31, 2023
Deadline for joining additional parties	August 8, 2023
Parties to exchange preliminary proposed constructions of disputed claim terms and provide list of proposed extrinsic evidence	September 18, 2023
Joint Claim Construction and Prehearing Statement due	November 1, 2023

1	Parties to disclose reports from expert witnesses, if any, regarding <u>Markman</u> issues	November 1, 2023
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3	Parties to disclose rebuttal expert reports, if any, regarding <u>Markman</u> issues	December 1, 2023
4	Deadline for completion of claim construction discovery and for amending pleadings	December 21, 2023
5	Opening claim construction briefs filed by (and noted for the date that the responsive claim construction briefs are due)	December 26, 2023
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7	Responsive claim construction briefs filed by	January 10, 2024
8	Technology tutorial at 09:00 AM on	January 30, 2024
9	<u>Markman</u> hearing at 09:00 AM on	February 13, 2024
10	Reports from expert witnesses under FRCP 26(a)(2) due	April 5, 2024
11	Rebuttal expert reports due	May 6, 2024
12	All discovery motions must be filed by (and noted on the motion calendar no later than the third Friday thereafter)	May 16, 2024
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14	Discovery completed by	June 13, 2024
15	All dispositive motions must be filed by (and noted on the motion calendar no later than the fourth Friday thereafter; <u>see</u> LCR 7(d))	August 15, 2024
16	All motions related to expert witnesses (<i>e.g.</i> , Daubert motion) must be filed by and noted on the motion calendar no later than the third Friday thereafter (see LCR 7(d))	August 22, 2024
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19	Settlement conference per LCR 39.1(c)(2) held no later than	September 9, 2024
20	All motions <i>in limine</i> must be filed by (and noted on the motion calendar for the Friday before the Pretrial Conference)	November 7, 2024
21	Agreed pretrial order due	November 22, 2024
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1 Trial briefs, proposed voir dire questions, proposed jury
instructions, and trial exhibits due November 22, 2024

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3 Pretrial Conference at 09:00 AM on November 27, 2024

4 These dates are set at the direction of the Court after reviewing the joint status
5 report and discovery plan submitted by the parties. All other dates are specified in the
6 Local Civil Rules and Local Patent Rules. These are firm dates that can be changed only
7 by order of the Court, not by agreement of counsel or the parties. The Court will alter
8 these dates only upon good cause shown: failure to complete discovery within the time
9 allowed is not recognized as good cause.

10 If the Markman hearing or trial dates assigned to this matter create an
11 irreconcilable conflict, counsel must notify Grant Cogswell, Deputy Clerk, at
12 Grant_Cogswell@wawd.uscourts.gov, within 14 days of the date of this Minute Order
13 and explain the exact nature of the conflict. A failure to do so will be deemed a waiver.
14 Counsel must be prepared to begin trial on the date scheduled, but should understand that
15 the trial might have to await the completion of other cases.

16 Claim Construction (Markman) Hearing

17 The claim construction hearing will be set for a half-day (2.5 hours). If more or
18 less time is required, the parties are instructed to inform Grant Cogswell at
19 Grant_Cogswell@wawd.uscourts.gov.

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

Exhibits

The parties must send one copy of their respective exhibits to be used at the Markman Hearing and/or trial to Grant Cogswell, Courtroom Deputy, five (5) days before the Markman hearing and/or trial date. Each exhibit must be clearly marked on the face of the exhibit. Each set of exhibits must be submitted in a three-ring binder with appropriately numbered tabs. The Court alters the LCR 16.1 procedure for numbering exhibits as follows: Plaintiff's exhibits should be numbered consecutively beginning with 1; Defendant's exhibits should include the prefix "A" and should be numbered consecutively beginning with A-1. Duplicate documents should not be listed twice. Once a party has identified an exhibit in the pretrial order, any party may use it.

In addition, no later than seven (7) days before the Markman hearing and/or trial date, the parties should send an electronic copy of all exhibits in .PDF format with Optical Character Recognition ("OCR") searchable text to Grant Cogswell, Courtroom Deputy. The parties should notify the court of any physical objects or files that cannot be transmitted electronically. Exhibits must be marked as described above, and the following protocols also apply: (1) Electronic exhibits must be transmitted individually (i.e., one exhibit per file), but exhibits may have multiple pages; (2) Exhibit file names should match the descriptions listed on the joint exhibit list as closely as possible except that file names should not exceed 80 characters, e.g., Ex. 1 – Accident Scene Photo; Ex. A-1 – Email dated 4-03-23.

