

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

MAXELL, LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 5:19-cv-0036-RWS

**JURY TRIAL DEMANDED**

**AMENDED DOCKET CONTROL ORDER**

The Joint Motion to Amend the Docket Control Order (Docket No. 277) is **GRANTED**. Accordingly, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

<b>Date</b>	<b>Event</b>
<b>3 DAYS after conclusion of Trial</b>	Parties to file <b>Motion to Seal Trial Exhibits</b> , if they wish to seal any highly confidential exhibits.  <b>EXHIBITS: See Order Regarding Exhibits below.</b>
October 26, 2020  Court designated date – not flexible without good cause - Motion Required	<b>9:00 a.m. JURY TRIAL before Judge Robert W. Schroeder III, Texarkana, Texas.</b>  For planning purposes, parties shall be prepared to start the evidentiary phase of trial immediately following jury selection.
October 26, 2020  Court designated date – not flexible without good cause - Motion Required	<b>9:00 a.m. JURY SELECTION before Judge Robert W. Schroeder III, Texarkana, Texas.</b>

Date	Event
October 6, 2020	<p><b>10:00 a.m. PRETRIAL CONFERENCE before Judge Robert W. Schroeder III, Texarkana, Texas.</b></p> <p>Discuss trial logistics and <i>voir dire</i> procedure. Resolve any pending motions or objections.</p> <p>Lead trial counsel must attend the pretrial conference.</p>
September 29, 2020  [1 week before pretrial]	<p><b>File a Notice of Time Requested for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.</b></p>
September 29, 2020  [1 week before pretrial]	<p><b>File Responses to Motions <i>in Limine</i>.</b></p>
September 22, 2020  [2 weeks before pretrial]	<p><b>File Motions <i>in Limine</i> and pretrial objections.</b></p> <p>The parties are <b>ORDERED</b> to meet and confer to resolve any disputes before filing any motion <i>in limine</i> or objection to pretrial disclosures.</p>
September 22, 2020  [2 weeks before pretrial]	<p><b>File Joint Final Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials.</b></p> <p>Parties shall use the pretrial order form on Judge Schroeder's website.</p> <p>Proposed Findings of Fact and Conclusions of Law with citation to authority for issues tried to the bench.</p>
September 15, 2020  [3 weeks before pretrial]	<p>Exchange Objections to Rebuttal Deposition Testimony.</p>

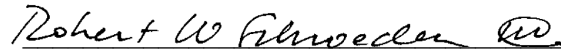
Date	Event
<p>September 8, 2020</p> <p>[4 weeks before pretrial]</p>	<p><b>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings due.</b></p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial or hearings, the party or parties making said request shall file a notice with the Court.</p>
<p>September 8, 2020</p> <p>[4 weeks before pretrial]</p>	<p>Exchange Rebuttal Designations and Objections to Deposition Testimony.</p> <p>For rebuttal designations, cross examination line and page numbers to be included.</p> <p>In video depositions, each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections.</p>
<p>August 25, 2020</p> <p>[4 weeks before pretrial]</p>	<p>Exchange Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof.</p> <p>Video and Stenographic Deposition Designation due. Each party who proposes to offer deposition testimony shall serve a disclosure identifying the line and page numbers to be offered.</p>
<p>September 15, 2020</p> <p>Court designated date – not flexible without good cause - Motion Required</p>	<p><b>10:00 a.m. HEARING ON ANY REMAINING DISPOSITIVE MOTIONS (INCLUDING <i>DAUBERT</i> MOTIONS) before Judge Robert W. Schroeder III, Texarkana, Texas.</b></p>

Date	Event
<p>June 30, 2020</p> <p>Court designated date – not flexible without good cause - Motion Required</p>	<p><b>Any Remaining Dispositive Motions<sup>1</sup> due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions).</b></p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u></p> <p>For each motion filed, the moving party shall provide the Court with one (1) copy of the completed briefing (opening motion, response, reply, and if applicable, surreply), excluding exhibits, in a three-ring binder appropriately tabbed. All documents shall be double-sided and must include the CM/ECF header. These copies shall be delivered to Judge Schroeder's chambers in Texarkana as soon as briefing has completed.</p> <p><b>Respond to Amended Pleadings.</b></p>
<p>July 2, 2020</p> <p>[1 week before dispositive motions]</p>	<p>Parties to Identify Rebuttal Trial Witnesses.</p>
<p>June 25, 2020</p> <p>[2 weeks before dispositive motions]</p>	<p>Parties to Identify Trial Witnesses; Amend Pleadings (after <i>Markman</i> Hearing).</p> <p>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 deadline. However, except as provided in Patent Rule 3-6, if the amendment would affect infringement contentions or invalidity contentions, a motion must be made pursuant to Patent Rule 3-6 irrespective of whether the amendment is made prior to this deadline.</p>
<p>June 25, 2020</p> <p>[2 weeks before dispositive motions]</p>	<p>Expert Discovery Deadline.</p>

<sup>1</sup> *I.e.* any motions on issues other than indefiniteness.

Date	Event
June 4, 2020  [5 weeks before dispositive motions]	Parties designate rebuttal expert witnesses (non-construction issues), rebuttal expert witness reports due. Refer to Local Rules for required information.  If, without agreement, a party serves a supplemental expert report after the rebuttal expert report deadline has passed, the serving party must file notice with the Court stating service has occurred and the reason why a supplemental report is necessary under the circumstances.
May 7, 2020  [9 weeks before dispositive motions]	Parties with burden of proof designate expert witnesses (non-construction issues). Expert witness reports due. Refer to Local Rules for required information.
April 30, 2020	Deadline to complete all fact depositions.

**So ORDERED and SIGNED this 20th day of April, 2020.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE