UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DOLBY LABORATORIES, INC.,
Petitioner,

v.

INTERTRUST TECHNOLOGIES CORPORATION
Patent Owner.

Case IPR2020-00660
Patent No. 6,785,815

NOTICE OF DISTRICT COURT REQUIREMENT TO LIMIT NUMBER OF ASSERTED CLAIMS AND ASSERTED PATENTS

Petitioner submits this notice to apprise the Board that, on September 23, 2020 the District Court in *Intertrust Technologies Corporation v. Cinemark Holdings, Inc.*, Case No. 2:19-cv-00266 (E.D. Tex.) (lead case) ordered that the litigation proceedings follow the amended schedule of deadlines set forth in the Second Amended Docket Control Order "until further order of this Court." The deadlines include a Final Election of Asserted Claims due on November 6, 2020, "which shall identify no more than five asserted claims (from among the ten previously identified claims) from seven or fewer asserted patents and not more than a total of 16 claims)."[1]

A copy of this order is attached as Appendix A.

Dated: September 28, 2020

Respectfully submitted by: /Scott A. McKeown/
Scott A. McKeown
Reg. No. 42,866
Counsel for Petitioner Dolby Laboratories, Inc.

[1] Petitioner proposed a joint submission of the attached order, to which Patent Owner did not object. However, Patent Owner objected to Petitioner's specific reference to the Final Election of Asserted Claims as argument.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing NOTICE OF DISTRICT COURT REQUIREMENT TO LIMIT NUMBER OF ASSERTED CLAIMS AND ASSERTED PATENTS was served in its entirety by causing the aforementioned document to be electronically mailed, pursuant to the parties' agreement to the following attorneys of record for the Patent Owner listed below:

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Dated: September 28, 2020

By: /Crena Pacheco/
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APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

INTERTRUST TECHNOLOGIES CORPORATION, *Plaintiff*, v. CINEMARK HOLDINGS, INC., AMC ENTERTAINMENT HOLDINGS, INC., REGAL ENTERTAINMENT GROUP, *Defendants.*	2:19-cv-00266-JRG (LEAD CASE) 2:19-cv-00265-JRG 2:19-cv-00267-JRG

SECOND AMENDED DOCKET CONTROL ORDER

It is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Current Date	Amended Date	Event
January 4, 2021	March 1, 2021	*Jury Selection – 9:00 a.m. in **Marshall, Texas** before Judge Rodney Gilstrap
November 30, 2020	February 22, 2021	* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date.[1]
December 7, 2020	February 22, 2021	*Pretrial Conference – 9:00 a.m. in **Marshall, Texas** before Judge Rodney Gilstrap
December 2, 2020	February 19, 2021	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions *in limine*. The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.

[1] The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire.*

Current Date	Amended Date	Event
November 23, 2020	January 25, 2021	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions *in Limine*, Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
November 16, 2020	January 18, 2021	*File Notice of Request for Daily Transcript or Real Time Reporting. 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, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.
November 23, 2020	January 20, 2021	File Motions *in Limine* The parties shall limit their motions *in limine* to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
November 30, 2020	January 20, 2021	Serve Objections to Rebuttal Pretrial Disclosures
November 23, 2020	January 16, 2021	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
November 13, 2020	January 8, 2021	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
	February 8, 2021	Sur-Replies to Dispositive Motions (including *Daubert* Motions). Responses to dispositive motions that were filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order.
	February 2, 2021	Replies in support of Dispositive Motions (including *Daubert* Motions. Replies in support of dispositive motions that were filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(f), not to exceed the deadline as set forth in this Docket Control Order.
November 25, 2020	January 26, 2021	*Response to Dispositive Motions (including *Daubert* Motions). Responses to dispositive motions that were filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local

Current Date	Amended Date	Event
		Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. [2] Motions for Summary Judgment shall comply with Local Rule CV-56.
November 11, 2020	January 12, 2021	*File Motions to Strike Expert Testimony (including *Daubert* Motions) No motion to strike expert testimony (including a *Daubert* motion) may be filed after this date without leave of the Court.
November 11, 2020	January 12, 2021	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV- 7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.
November 6, 2020	January 6, 2021	Deadline to Complete Expert Discovery
October 27, 2020	December 23, 2020	Serve Disclosures for Rebuttal Expert Witnesses
October 13, 2020	December 2, 2020	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
October 13, 2020	November 23, 2020	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
N/A	November 13, 2020	Serve Final Election of Asserted Prior Art, which shall identify no more than six asserted prior art references per patent from among the twelve prior art references previously identified for that particular patent and no more than a total of 28 references[2]
N/A	November 6, 2020	Serve Final Election of Asserted Claims, which shall identify no more than five asserted claims (from among the ten previously identified claims) from seven or fewer asserted patents and not more than a total of 16 claims

[2] The parties are directed to Local Rule CV-7(d), which provides in part that "[a] party's failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion." If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

Current Date	Amended Date	Event
N/A	October 9, 2020	Serve Preliminary Election of Asserted Prior Art, which shall assert no more than twelve prior art references against each patent and not more than a total of 45 references[3]
N/A	September 25, 2020	Serve Preliminary Election of Asserted Claims, which shall assert no more than ten claims from nine or fewer asserted patents and not more than a total of 32 claims

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Mediation: While certain cases may benefit from mediation, such may not be appropriate for every case. The Court finds that the Parties are best suited to evaluate whether mediation will benefit the case after the issuance of the Court's claim construction order. Accordingly, the Court **ORDERS** the Parties to file a Joint Notice indicating whether the case should be referred for mediation **within fourteen days of the issuance of the Court's claim construction order**. As a part of such Joint Notice, the Parties should indicate whether they have a mutually agreeable mediator for the Court to consider. If the Parties disagree about whether mediation is appropriate, the Parties should set forth a brief statement of their competing positions in the Joint Notice.

Summary Judgment Motions, Motions to Strike Expert Testimony, and *Daubert* Motions: For each motion, the moving party shall provide the Court with two (2) hard copies of the completed briefing (opening motion, response, reply, and if applicable, sur-reply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and must include the CM/ECF header. These copies shall be delivered to the Court within three (3) business days after briefing has completed. For expert-related motions, complete digital copies of the relevant expert report(s) and accompanying exhibits shall be submitted on a single flash drive to the Court. Complete digital copies of the expert report(s) shall be delivered to the Court no later than the dispositive motion deadline.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Lead Counsel: The Parties are directed to Local Rule CV-11(a)(1), which provides that "[o]n the first appearance through counsel, each party shall designate a lead attorney on the pleadings or otherwise." Additionally, once designated, a party's lead attorney may only be changed by the filing of a Motion to Change Lead Counsel and thereafter obtaining from the Court an Order granting leave to designate different lead counsel.

Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:The fact that there are motions for summary judgment or motions to dismiss pending;

(a) 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;

(b) 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.

Amendments to the Docket Control Order ("DCO"): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

Proposed DCO: The Parties' Proposed DCO should also follow the format described above under "Amendments to the Docket Control Order ('DCO')."

So ORDERED and SIGNED this 22nd day of September, 2020.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE