

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

BELL SEMICONDUCTOR, LLC,

Plaintiff,

v.

MICROCHIP TECHNOLOGY, INC.,  
MICROSEMI CORPORATION,

Defendants.

Civil Action No. 6:20-cv-00296-ADA

**JURY TRIAL DEMANDED**

**AGREED SCHEDULING ORDER**

On October 16, 2020, the Court conducted a telephonic Rule 16 Case Management Conference in the above entitled and numbered case. All parties appeared through their respective counsel. As a result of such conference, and pursuant to Rule 16 of the Federal Rules of Civil Procedure, the Court **ORDERS** that the following agreed schedule will govern deadlines up to and including the trial of this matter:

<b>Event</b>	<b>Default Date</b>	<b>Proposed Changes</b>
Plaintiff serves preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (i.e. the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.	October 9, 2020	
Lead counsel for each party shall meet and confer (either in person or by telephone), to discuss whether they believe the Court's default Scheduling	October 13, 2020	

Order and default Discovery Limits are appropriate for this case, and any issues relating to the management of this case they intend to raise at the CMC.		
Telephonic Rule 16 Case Management Conference	October 16, 2020 at 1:30 p.m.	
Submit Agreed Scheduling Order  If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of each Order briefly setting forth their respective positions on items where they cannot agree.	October 30, 2020	
Deadline for Motions to Transfer	November 18, 2020	November 18, 2020
Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the two years preceding the filing of the Complaint, unless the parties agree to some other timeframe	December 4, 2020	
Parties exchange claim terms for construction	December 18, 2020	December 16, 2020
Parties exchange proposed claim constructions	January 1, 2021	January 5, 2021
Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert	January 8, 2021	January 11, 2021

identified, the parties shall identify the scope of the topics for the witness's expected testimony. <sup>1</sup> With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.		
Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.	January 15, 2021	January 14, 2021
Plaintiff files Opening claim construction brief, including any arguments that any claim terms are indefinite.	January 22, 2021	January 27, 2021
Defendants file Responsive claim construction brief.	February 12, 2021	February 17, 2021
Plaintiff files Reply claim construction brief.	February 26, 2021	March 3, 2021
Defendant files a Sur-Reply claim construction brief.	March 12, 2021	March 17, 2021
Parties submit Joint Claim Construction Statement.  See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed). <sup>2</sup>	March 17, 2021	March 22, 2021
Parties submit optional technical tutorials.  (at least 1 week before <i>Markman</i> hearing)	March 19, 2021	March 24, 2021
If a party intends to present a live tutorial, the parties should contact the Court to set-up a Zoom or telephonic tutorial to occur at least a week before the <i>Markman</i> hearing.	March 26, 2021	

<sup>1</sup> Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

<sup>2</sup> The parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

First <i>Markman</i> Hearing (for patents that overlap <sup>3</sup> between cases 6:20-cv-00210 and 6:20-cv-00296) <sup>4</sup>	April 1, 2021 at 1:30 p.m.	
Second <i>Markman</i> Hearing (for non-overlapping patents in cases 6:20-cv-00210 and 6:20-cv-00296)	April 9, 2021 at 1:30 p.m.	
Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).	April 12, 2021	
Deadline to add parties.	May 21, 2021	May 20, 2021
Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.	June 4, 2021	June 3, 2021
Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)	July 2, 2021	July 7, 2021
Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.	October 8, 2021	October 7, 2021
Close of Fact Discovery	November 5, 2021	November 4, 2021
Opening Expert Reports	November 12, 2021	November 18, 2021
Rebuttal Expert Reports	December 10, 2021	December 16, 2021
Close of Expert Discovery.	December 31, 2021	January 13, 2022
Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine	January 7, 2022	January 18, 2022


<sup>3</sup> The overlapping patents between cases 6:20-cv-00210 and 6:20-cv-00296 are: (1) 6,153,543; (2) 8,049,340, (3) 8,288,269; (4) 6,544,907; (5) 6,743,669; and (6) 6,624,007.

<sup>4</sup> The Defendants in cases 6:20-cv-00210 and 6:20-cv-00296 will submit a single claim construction brief for terms concerning the overlapping patents.

these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.		
Dispositive motion deadline and <i>Daubert</i> motion deadline.  See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).	January 14, 2022	January 27, 2022
Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).	January 28, 2022	February 16, 2022
Serve objections to pretrial disclosures/rebuttal disclosures.	February 11, 2022	March 2, 2022
Serve objections to rebuttal disclosures and <b>File</b> Motions <i>in limine</i> .	February 18, 2022	March 9, 2022
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i>	February 25, 2022	March 16, 2022
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, Kristie Davis at kmdaviscsr@yahoo.com  Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .	March 4, 2022	March 23, 2022
File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .  3 business days before Final Pretrial Conference		
Final Pretrial Conference.	March 18, 2022	April 4, 2022

The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.		
Jury Selection/Trial. The Court expects to set this date at the conclusion of the Markman Hearing.	April 11, 2022	April 25, 2022

ORDERED this 20th day of November, 2020.

  
 ALAN D ALBRIGHT  
 UNITED STATES DISTRICT JUDGE