

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

**WSOU INVESTMENTS, LLC D/B/A
BRAZOS LICENSING AND
DEVELOPMENT,
*Plaintiff,***

V.

**HUAWEI TECHNOLOGIES CO.,
LTD. and HUAWEI
TECHNOLOGIES USA INC.,
Defendants.**

CIVIL ACTION 6:20-cv-00889-ADA

CIVIL ACTION 6:20-cv-00890-ADA

CIVIL ACTION 6:20-cv-00891-ADA

CIVIL ACTION 6:20-cv-00892-ADA

CIVIL ACTION 6:20-cv-00893-ADA

CIVIL ACTION 6:20-cv-00916-ADA

CIVIL ACTION 6:20-cv-00917-ADA

SCHEDULING ORDER

| Deadline | Item |
|-------------------|--|
| February 5, 2021 | Plaintiff serves preliminary ¹ 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>i.e.</i> 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. |
| February 26, 2021 | Deadline for Motions to Transfer, and deadline for parties to submit an agreed Scheduling Order. |

¹ The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any such material. Any amendment to add claims requires leave of court so that the Court can address any scheduling issues.

| Deadline | Item |
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| April 7, 2021 | 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. |
| April 16, 2021 | Parties exchange claim terms for construction. |
| April 30, 2021 | Parties exchange proposed claim constructions. |
| May 7, 2021 | Parties disclose extrinsic evidence. 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 identified, the parties shall identify the scope of the topics for the witness's expected testimony. ² 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. |
| May 21, 2021 | Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions. |
| May 28, 2021 | Plaintiff files Opening claim construction brief, including any arguments that any claim terms are indefinite. |
| June 18, 2021 | Defendant files Responsive claim construction brief. |

² Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

| Deadline | Item |
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| July 2, 2021 | Plaintiff files Reply claim construction brief. |
| July 16, 2021 | Defendant files Sur-Reply claim construction brief. |
| July 21, 2021 | <p>Parties submit Joint Claim Construction Statement</p> <p>See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).</p> |
| July 23, 2021 | Parties submit optional technical tutorials to the Court and technical adviser (if appointed). The parties shall also jointly submit, via USB drive, Box (not another cloud storage), or email to the law clerk, pdf versions of all as-filed briefing and exhibits. |
| August 12, 2021 | <i>Markman</i> Hearing |
| August 16, 2021 | Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a). |
| September 23, 2021 | Deadline to add parties. |
| October 7, 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. |
| December 2, 2021 | Deadline to amend pleadings. A motion is not required unless the amendment adds patents or claims. |
| February 10, 2022 | 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. |
| March 24, 2022 | Close of Fact Discovery. |

| Deadline | Item |
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| March 31, 2022 | Opening Expert Reports. |
| April 28, 2022 | Rebuttal Expert Reports. |
| May 19, 2022 | Close of Expert Discovery. |
| May 26, 2022 | Deadline for the second of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine 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. |
| June 2, 2022 | Dispositive motion deadline and <i>Daubert</i> motion deadline. |
| June 16, 2022 | Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations). |
| June 30, 2022 | Serve objections to pretrial disclosures/rebuttal disclosures. |
| July 14, 2022 | Serve objections to rebuttal disclosures and File Motions <i>in limine</i> . |
| July 30, 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> . |
| August 13, 2022 | <p>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</p> <p>Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i>.</p> |

| Deadline | Item |
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| September 5, 2022 | File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> . |
| September 8, 2022 | Final Pretrial Conference. |
| September 26, 2022 | Jury Selection/Trial for the first of the consolidated cases. Jury Selection/Trial for the remaining consolidated cases will be determined at the Final Pretrial Conference. |

SIGNED this 23rd day of February, 2021.


 ALAN D ALBRIGHT
 UNITED STATES DISTRICT JUDGE