

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

VOCALIFE LLC,

Plaintiff,

v.

AMAZON.COM, INC. and
AMAZON.COM SERVICES, INC.,

Defendants.

Case No. 2:20-cv-00401-JRG-RSP

JURY TRIAL DEMANDED

DOCKET CONTROL ORDER

In accordance with the Order Setting Scheduling Conference (Dkt. 12) and the scheduling conference held on May 12, 2021, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Original Date	Amended Date	Event
April 18, 2022		*Jury Selection – 9:00 a.m. in Marshall, Texas
March 21, 2022		*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
March 14, 2022		*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Roy Payne
March 7, 2022		*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m.

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

JURY PETITION

Original Date	Amended Date	Event
		three (3) business days before the pretrial conference.
March 7, 2022		*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations.
February 28, 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, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.
February 22, 2022		File Motions <i>in Limine</i> The parties shall limit their motions <i>in limine</i> 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.
February 22, 2022	March 1, 2022	Serve Objections to Rebuttal Pretrial Disclosures.
February 14, 2022	February 22, 2022	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures.
January 31, 2022	February 7, 2022	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof.

Original Date	Amended Date	Event
January 24, 2022	January 31, 2022	*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV7(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.
January 10, 2022	January 17, 2022	*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
January 10, 2022	January 17, 2022	*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. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
January 3, 2022	January 10, 2022	Deadline to Complete Expert Discovery
December 20, 2021		Serve Disclosures for Rebuttal Expert Witnesses
December 10, 2021		Comply with P.R. 3-7 (Opinion of Counsel Defenses)
November 29, 2021		Deadline to Complete Fact Discovery and File Motions to Compel Discovery

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.

Original Date	Amended Date	Event
November 29, 2021		Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
November 19, 2021		*Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Roy Payne
November 5, 2021		*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
October 29, 2021		*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
October 22, 2021		*Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
October 8, 2021		*Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a)
October 8, 2021		Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
September 24, 2021		Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
September 17, 2021		File Response to Amended Pleadings
September 3, 2021		*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
August 27, 2021		Comply with P.R. 4-3 (Joint Claim Construction Statement)

Original Date	Amended Date	Event
August 6, 2021		Comply with P.R. 4-2 (Exchange Preliminary Claim Construction)
July 16, 2021		Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
June 23, 2021		Comply with Standing Order Regarding Subject-Matter Eligibility Contentions ³
June 23, 2021		Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
June 2, 2021		<p>*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures)</p> <p>The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.</p>
May 26, 2021		<p>*File Proposed Docket Control Order and Proposed Discovery Order</p> <p>The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.</p>
May 19, 2021		Join Additional Parties

(*) 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

³ <http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf> [<https://perma.cc/RQN2-YU5P>]

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