

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

Sandpiper CDN, LLC,

*Plaintiff,*

v.

Comcast Cable Communications, LLC d/b/a  
Xfinity; Comcast Cable Communications  
Management, LLC d/b/a/ Comcast  
Technology Solutions; and Comcast  
Corporation.

*Defendants.*

Civil Case No. 2:24-cv-00886-JRG-RSP

**DOCKET CONTROL ORDER**

In accordance with the scheduling conference held in this case, it is hereby **ORDERED**  
that the following schedule of deadlines is in effect until further order of this Court:

Original Deadline	Amended Date	Event
July 20, 2026		*Jury Selection – 9:00 a.m. in Marshall, Texas
7 days before Jury Selection		*Defendant to disclose final invalidity theories, final prior art references/combinations, and final equitable defenses with notice of the same filed with the Court. <sup>1</sup>
10 days before Jury Selection		*Plaintiff to disclose final election of Asserted Claims with notice of the same filed with the Court. <sup>2</sup>

<sup>1</sup> The proposed DCO shall include this specific deadline. The deadline shall read, “7 days before Jury Selection,” and shall not include a specific date.

<sup>2</sup> Given the Court’s past experiences with litigants dropping claims and defenses during or on the eve of trial, the Court is of the opinion that these additional deadlines are necessary. The proposed DCO shall include this specific deadline. The deadline shall read, “10 days before Jury Selection,” and shall not include a specific date.

June 22, 2026		* 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. <sup>3</sup>
June 16, 2026		*Pretrial Conference – 9:00 a.m. in <b>Marshall, Texas</b> before Judge Roy Payne
June 8, 2026	June 5, 2026	*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. three (3) business days before the pretrial conference.
June 8, 2026	June 5, 2026	*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
June 1, 2026		*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, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
May 26, 2026	May 22, 2026	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.
May 26, 2026	May 22, 2026	Serve Objections to Rebuttal Pretrial Disclosures
May 18, 2026	May 15, 2026	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
May 4, 2026	May 1, 2026	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof

<sup>3</sup> The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

April 27, 2026	April 24, 2026	*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 CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. <sup>4</sup> Motions for Summary Judgment shall comply with Local Rule CV-56.
April 13, 2026	April 10, 2026	*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.
April 13, 2026	April 10, 2026	*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>
April 6, 2026	April 3, 2026	Deadline to Complete Expert Discovery
March 23, 2026	March 20, 2026	Serve Disclosures for Rebuttal Expert Witnesses
March 2, 2026	February 27, 2026	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
March 2, 2026	February 27, 2026	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
February 6, 2026		Comply with P.R. 3-7 (Opinion of Counsel Defenses)

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<sup>4</sup> 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.

14 days from Claim Construction Order Issuance		Submit Joint Notice Indicating Whether the Case Should Be Referred For Mediation
January 16, 2026		*Claim Construction Hearing – 9 a.m. in <b>Marshall, Texas</b> before Judge Roy Payne
January 2, 2026	December 19, 2025	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
December 26, 2025	December 12, 2025	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
December 19, 2025	December 5, 2025	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
December 5, 2025	November 14, 2025	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).
December 5, 2025		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.
November 21, 2025	October 30, 2025	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
November 14, 2025		File Response to Amended Pleadings
October 31, 2025		*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.
October 24, 2025	October 10, 2025	Comply with P.R. 4-3 (Joint Claim Construction Statement)
October 3, 2025	September 19, 2025	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)

September 12, 2025	August 28, 2025	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
March 4, 2025	March 28, 2025	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions <sup>8</sup>
March 4, 2025	March 28, 2025	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
February 11, 2025		*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures)  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.
February 4, 2025		*File Proposed Docket Control Order and Proposed Discovery Order  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.
January 28, 2025		Join Additional Parties
January 7, 2025		Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

(\*) indicates a deadline that cannot be changed without an acceptable showing of 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.

<sup>8</sup><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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