

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

INTELLECTUAL VENTURES I LLC and
INTELLECTUAL VENTURES II LLC,

Plaintiffs,

v.

SOUTHWEST AIRLINES CO.,

Defendant.

Civil Action No. 7:24-cv-00277-ADA

JURY TRIAL DEMANDED

JOINT MOTION TO AMEND SCHEDULING ORDER

TO THE HONORABLE COURT:

Plaintiffs Intellectual Ventures I LLC and Intellectual Ventures II LLC (“Plaintiffs” or “IV”) and Defendant Southwest Airlines Co. (“Defendant” or “Southwest”) (collectively, the “Parties”), jointly submit this Joint Motion to Amend Scheduling Order. The Parties agree on the case schedule attached as Exhibit A.

On May 20, 2025, counsel for Plaintiffs informed counsel for Southwest of Intellectual Ventures’ intention to seek leave to amend their complaint to assert five (5) additional patents against Southwest. Southwest is unopposed to Intellectual Ventures’ proposed amendments and Motion for Leave to File an Amended Complaint. Accordingly, the Parties jointly file this Motion to Amend Scheduling Order.

By way of this Joint Motion, the Parties respectfully request that the Court enter the attached [Proposed] Amended Scheduling Order.

Dated: May 23, 2025

Respectfully submitted,

By: /s/ S. Wallace Dunwoody

Michael C. Wilson
State Bar No. 21704590
mwilson@munckwilson.com
S. Wallace Dunwoody
State Bar No. 24040838
wdunwoody@munckwilson.com
Munck Wilson Mandala, LLP
2000 McKinney Avenue, Suite 1900
Dallas, TX 75201
(972) 628-3600
(972) 628-3616 fax

David G. Henry
Texas Bar. No. 09479355
dhenry@munckwilson.com
Munck Wilson Mandala, LLP
510 Austin Avenue, Suite 3100
Waco, Texas 76701
(254) 362-2300
(254) 362-2304 fax

Tri T. Truong
Texas State Bar No. 24102969
ttruong@munckwilson.com
Munck Wilson Mandala, LLP
807 Las Cimas Parkway, Suite 300
Austin, Texas 78756
737-201-1600
737-201-1601 fax

Attorneys for Southwest Airlines Co.

By: /s/ Jonathan K. Waldrop

Jonathan K. Waldrop (CA Bar No. 297903)
(Admitted in this District)
jwaldrop@kasowitz.com
Darcy L. Jones (CA Bar No. 309474)
(Admitted in this District)
djones@kasowitz.com
Marcus A. Barber (CA Bar No. 307361)
(Admitted in this District)
mbarber@kasowitz.com
John W. Downing (CA Bar No. 252850)
(Admitted in this District)
jdowning@kasowitz.com
Heather S. Kim (CA Bar No. 277686)
(Admitted in this District)
hkim@kasowitz.com
ThucMinh Nguyen (CA Bar No. 304382)
(Admitted in this District)
tnguyen@kasowitz.com
KASOWITZ BENSON TORRES LLP
333 Twin Dolphin Drive, Suite 200
Redwood Shores, California 94065
Telephone: (650) 453-5170
Facsimile: (650) 453-5171

Mark D. Siegmund (TX Bar No. 24117055)
msiegmund@cjsjlaw.com
Cherry Johnson Siegmund James PLLC
7901 Fish Pond Rd., 2nd Floor
Waco, Texas 76710
Telephone: 254-732-2242
Facsimile: 866-627-3509

*Attorneys for Intellectual Ventures I LLC and
Intellectual Ventures II LLC*

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel for Plaintiffs and Defendant conferred via electronic mail and telephone concerning the relief requested in this motion, and Plaintiffs and Defendant represent that they jointly request this relief.

/s/ Jonathan K. Waldrop
Jonathan K. Waldrop

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served or delivered electronically to all counsel of record, on this 23rd day of May 2025, via the Court's CM/ECF System.

/s/ Jonathan K. Waldrop
Jonathan K. Waldrop

EXHIBIT A

**UNITED STATES DISTRICT COURT
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Defendant.

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AGREED SCHEDULING ORDER

Deadline	Amended Deadline	Item
	May 28, 2025	Plaintiffs serve preliminary infringement contentions of newly asserted patents in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiffs 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.
	June 26, 2025	Answer/motion to dismiss amended complaint.
	August 25, 2025	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, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
	September 9, 2025	Deadline to exchange claim terms for construction for newly asserted patents.
	September 16, 2025	Deadline to exchange proposed claim constructions for newly asserted patents.

Deadline	Amended Deadline	Item
	September 23, 2025	Deadline to 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. 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.
	September 30, 2025	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
May 27, 2025	October 14, 2025	Defendant files Opening Claim Construction Brief.
June 17, 2025	October 28, 2025	Plaintiffs file Responsive Claim Construction Brief.
July 1, 2025	November 12, 2025	Defendant files Reply Claim Construction Brief.
July 1, 2025	November 12, 2025	Deadline to jointly email law clerks to confirm <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution.
July 15, 2025	November 25, 2025	Plaintiffs file Sur-Reply Claim Construction Brief.
July 18, 2025	December 1, 2025	Joint Claim Construction Statement (email law clerk's editable copy). <i>See</i> General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
July 18, 2025	December 1, 2025	Deadline to submit optional technical tutorials.
July 29, 2025	December 8, 2025	<i>Markman</i> Hearing
July 30, 2025	December 9, 2025	Fact Discovery opens; deadline to serve Initial Disclosures.
November 7, 2025	March 20, 2026	Deadline to add parties.
November 21, 2025	April 3, 2026	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.
November 18, 2025	March 14, 2026	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.)

Deadline	Amended Deadline	Item
January 27, 2026	May 29, 2026	Deadline for the first of two meet and confers to discuss narrowing 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.
February 26, 2026	June 26, 2026	Close of Fact Discovery
March 5, 2026	July 23, 2026	Opening Expert Reports
April 2, 2026	August 20, 2026	Rebuttal Expert Reports
April 30, 2026	September 9, 2026	Close of Expert Discovery
May 7, 2026	September 16, 2026	Deadline for the second of two meet and confers to discuss narrowing number of claims asserted and prior art references at issue to triable limits. If 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 <u>5 business days</u> regarding the results of the meet and confer.
May 14, 2026	September 23, 2026	Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed). Deadline for parties desiring to consent to trial before the magistrate judge to submit Form AO 85, "Notice, Consent, And Reference of A Civil Action To A Magistrate Judge," available at https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge .
	October 7, 2026	Oppositions to dispositive and <i>Daubert</i> motions
	October 21, 2026	Replies in support of dispositive and <i>Daubert</i> motions
May 21, 2026	October 26, 2026	Serve Pretrial Disclosures (jury instructions, exhibit lists, witness lists and deposition designations).
June 2, 2026	November 5, 2026	Serve objections to pretrial disclosures/rebuttal disclosures.
June 2, 2026	November 5, 2026	Deadline to Jointly email law clerk to confirm their pretrial conference and trial dates.
June 9, 2026	November 18, 2026	Serve objections to rebuttal disclosures; file motions <i>in limine</i> .

Deadline	Amended Deadline	Item
June 16, 2026	November 20, 2026	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, deposition designations). From this date onwards, the parties are obligated to notify the Court of any changes to the asserted patents or claims. Such notification shall be filed on the docket within seven (7) days of the change and shall include a complete listing of all asserted patents and claims. If a change to the asserted patents or claims requires leave of court (for example, if a party is moving for leave to assert additional claims), notification shall not be required until the Court grants leave, at which point the notification must be filed within seven (7) days.
June 16, 2026	November 20, 2026	File oppositions to motions <i>in limine</i> .
June 23, 2026	November 27, 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 email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com.
June 23, 2026	November 27, 2026	Deadline to file replies to motions <i>in limine</i> .
June 29, 2026	December 3, 2026	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
July 1, 2026	December 7, 2026	File Joint Notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
July 6, 2026	December 17, 2026	Final Pretrial Conference (in person unless otherwise requested).
July 27, 2026	January 11, 2027	Jury Selection/Trial

SIGNED this ____ day of _____, 2025.

ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE