

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

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| <p>CENTRALSQUARE TECHNOLOGIES, LLC,</p> <p style="text-align: center;">Plaintiff and Counterclaim-Defendant,</p> <p style="text-align: center;">v.</p> <p>CARBYNE, INC., and CARBYNE, LTD.</p> <p style="text-align: center;">Defendants and Counterclaim-Plaintiffs.</p> | <p>Civil Action No. 1:24-cv-01497-ADA</p> <p>JURY TRIAL DEMANDED</p> |
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SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court ORDERS that the following schedule will govern deadlines up to and including the trial of this matter.

| Due Date | Item |
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| August 11, 2025 (7 weeks after CMC) | Defendant ¹ 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). |

¹ “Defendant” refers to Defendants Carbyne Inc. and Carbyne Ltd. for the original claims and Counter-claim Defendant CentralSquare Technologies, LLC, for the counter-claims. Likewise, “Plaintiff” refers to Plaintiff CentralSquare Technologies, LLC, for the original claims and Counter-claim Plaintiffs Carbyne, Inc. and Carbyne, Ltd., for the counter-claims.

| Due Date | Item |
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| August 25, 2025 (9 weeks after CMC) | Parties exchange claim terms for construction. |
| September 8, 2025 (11 weeks after CMC) | Parties exchange proposed claim constructions. |
| September 15, 2025 (12 weeks after CMC) | 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. |
| September 22, 2025 (13 weeks after CMC) | Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions. |
| October 13, 2025 ³ (14 weeks after CMC) | Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite. |
| November 3, 2025 (17 weeks after CMC) | Plaintiff files Responsive claim construction brief. |
| November 17, 2025 (19 weeks after CMC) | Defendant files Reply claim construction brief. Parties to jointly email the law clerks to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution. |
| November 26, 2025 (21 weeks after CMC) | Plaintiff files Sur-Reply claim construction brief. |
| December 3, 2025 (3 business days after submission of sur-reply) | Parties submit Joint Claim Construction Statement and email the law clerks an editable copy. <i>See</i> General Issues Note #9 regarding providing copies of the briefing to the technical advisor (if appointed). |
| December 8, 2025 (22 weeks after CMC but at least 10 days before <i>Markman</i> hearing) | Parties submit optional technical tutorials to the Court and technical adviser (if appointed). |
| December 15, 2025 (23 weeks after CMC or as soon as practicable) | <i>Markman</i> Hearing at 2:00 p.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches. |

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

³ Defendant requests, and Plaintiff agrees to, a two week delay due to Defendant's counsel having preexisting overseas travel with no connectivity.

| Due Date | Item |
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| December 16, 2025 (1 business day after <i>Markman</i> Hearing) | Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a). |
| January 26, 2026 (6 weeks after <i>Markman</i> Hearing) | Deadline to add parties |
| February 9, 2026 (8 weeks after <i>Markman</i> Hearing) | 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. |
| April 6, 2026 (16 weeks after <i>Markman</i> Hearing) | 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.) |
| June 15, 2026 (26 weeks after <i>Markman</i> Hearing) | 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 to arrange a teleconference with the Court to resolve the disputed issues. |
| July 13, 2026 (30 weeks after <i>Markman</i> Hearing) | Close of Fact Discovery. |
| July 20, 2026 (31 weeks after <i>Markman</i> Hearing) | Opening Expert Reports. |
| August 17, 2026 (35 weeks after <i>Markman</i> Hearing) | Rebuttal Expert Reports. |
| September 7, 2026 (38 weeks after <i>Markman</i> Hearing) | Close of Expert Discovery. |
| September 14, 2026 (39 weeks after <i>Markman</i> Hearing) | Deadline for the second of two meet and confers to discuss narrowing the 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 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. |

| Due Date | Item |
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| September 21, 2026 (40 weeks after <i>Markman</i> Hearing) | Dispositive motion deadline and <i>Daubert</i> motion deadline. <i>See</i> OGP Note #9 regarding providing copies to the Court and 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 5, 2026 (42 weeks after <i>Markman</i> Hearing) | Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, deposition designations). |
| October 19, 2026 (44 weeks after <i>Markman</i> Hearing) | Serve objections to pretrial disclosures/rebuttal disclosures. |
| October 12, 2026 (8 weeks before trial) | Parties to jointly email the Court’s law clerk to confirm their pretrial conference and trial dates. |
| October 26, 2026 (45 weeks after <i>Markman</i> Hearing) | Serve objections to rebuttal disclosures; file motions <i>in limine</i> . |
| November 2, 2026 (46 weeks after <i>Markman</i> Hearing) | 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> . 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. |
| November 9, 2026 (47 weeks after <i>Markman</i> Hearing) | 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 Deadline to file replies to motions <i>in limine</i> . |
| November 16, 2026 (48 weeks after <i>Markman</i> Hearing) | Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> . |

| Due Date | Item |
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| November 18, 2026 (3 business days before Final Pretrial Conference) | File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> . |
| November 23, 2026 (49 weeks after <i>Markman</i> Hearing or ASAP) | Final Pretrial Conference. Held in person unless otherwise requested. |
| December 14, 2026 (52 weeks after <i>Markman</i> Hearing or ASAP) | Jury Selection/Trial. |

ORDERED this 8th day of July, 2025.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE