

FILED

April 09, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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

BY: _____ **sec** _____
DEPUTY

HBCU MESSAGING US LP,

Plaintiff,

v.

APPLE INC. and GREEN DOT CORP.,

Defendants.

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1:24 - CV-01199-RP

AGREED SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16, the following Agreed Scheduling Order is issued by the Court:

1. Each party shall complete and file the attached “Notice Concerning Reference to United States Magistrate Judge” on or before **June 10, 2025**.
2. The parties shall file all motions to amend or supplement pleadings or to join additional parties on or before **July 15, 2025**.
3. On or before **May 13, 2025**, Plaintiff shall serve a disclosure of asserted claims and preliminary infringement contention (and accompanying document production) containing the following information: (1) a chart identifying specifically and in detail where each element of each asserted claim is found within each accused instrumentality; (2) whether each element of each asserted claim is found within each accused instrumentality; (3) for any claims the Plaintiff contends are entitled to a priority date, other than shown on the face of the patent and the basis and evidence supporting that date; (4) documents, to the extent such documents are within Plaintiff’s possession, custody or control, evidencing the conception, reduction to practice, design, and development of each claimed invention, that were created on or before the date of the application for the asserted patents or any earlier priority date claimed to be

applicable; and (5) a copy of the file history for each patent in suit.

4. On or before **July 15, 2025**, Defendant shall serve its preliminary invalidity contentions in the form of claim charts detailing where each element of each asserted claim is found within each piece of prior art. Defendant shall also include an identification of any limitations that Defendant contends are indefinite or lack written description under 35 U.S.C. § 112, and an identification of any claims that Defendant contends are directed to ineligible subject matter under 35 U.S.C. § 101. Defendant shall also produce all prior art referenced in the invalidity contentions and technical documents sufficient to show the operation of the accused products.
5. The following deadlines shall apply to claim construction proceedings in this case:
 - a. On **August 1, 2025**, the parties shall concurrently exchange a list of claim terms a party believes should be construed by the Court and identify any claim element a party contends should be governed by 35 U.S.C. § 112(f), or Pre-AIA 35 U.S.C. § 112 sixth paragraph.
 - b. On **August 15, 2025**, the parties shall concurrently exchange proposed constructions and any extrinsic evidence that the party will rely on in support of its proposed constructions. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. With respect to extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
 - c. On **September 15, 2025**, the parties shall file their Opening Claim Construction Briefs with supporting evidence, including any declarations of expert witnesses in support of claim construction.
 - d. On **October 17, 2025**, the parties shall file their Responsive Claim Construction Briefs, with supporting evidence, including any responsive declarations of expert

witnesses in support of their responsive positions.

6. Pursuant to the Court's schedule, a Markman hearing will be held at 9:00 a.m. on **January 20, 2026**.
7. Fact Discovery will open the next day, **January 21, 2026**, after the Markman hearing. Initial Disclosures per Rule 26(a) will be served on this day.
8. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before **60 days before the date of trial is set**.
9. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before **February 10, 2026**, and each opposing party shall respond, in writing, on or before **March 10, 2026**. All offers of settlement are to be private, not filed. The parties are ordered to retain the written offers of settlement and responses so the Court may use them in assessing attorney's fees and costs at the conclusion of the trial.
10. The parties shall complete all fact discovery on or before **October 6, 2026**.
11. Opening expert reports (including all materials required by Federal Rule of Civil Procedure 26(a)(2)(B)) by the party with the burden of proof shall be exchanged on or before **November 10, 2026**. The parties shall exchange rebuttal expert reports (including all materials required by Federal Rule of Civil Procedure 26(a)(2)(B)) on or before **December 8, 2026**.
12. The parties shall complete all expert discovery on or before **February 9, 2027**.
13. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, **by the deadline for dispositive motions**.
14. All dispositive motions shall be filed on or before **April 1, 2027** and shall be limited to 20 pages. Responses shall be filed and served on all other parties not later than 21 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on

all other parties not later than 14 days after the service of the response and shall be limited to 15 pages.

15. The Court will set this case for final pretrial conference at a later time. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

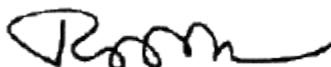
The parties shall not complete the following paragraph. It will be completed by the Court at the initial pretrial conference to be scheduled by the Court.

16. This case is set for jury trial commencing at 9:00 a.m. on **July 12, 2027**. Jury selection may occur the Friday before the case is set for trial.

The parties may modify the deadlines in this Order by agreement, with the exception of the dispositive motions deadline and the trial date. Those dates are firm. The Court may impose sanctions under Federal Rule of Civil Procedure 16(f) if the parties do not make timely submissions under this Order.

For cases brought pursuant to the Freedom of Information Act (FOIA), the parties may instead follow the standard disclosure process and will have an initial pretrial conference only by request.

SIGNED on April 9, 2025.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE