

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

FILED

APR 09 2020

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

**STANDING ORDER WITH RESPECT TO ALL CASES  
WITH UPCOMING MARKMAN HEARING**

The Court is aware that conducting Markman hearings during the current COVID-19 virus crisis may be causing difficulties for both outside counsel and parties. Therefore, the Court enters the following Order for patent cases that are currently set for a Markman Hearing between today and May 1, 2020:

By Monday April 13, 2020, the parties in each of these cases will inform the Court of whether they wish to maintain the current Markman hearing date or have it postponed to the week of May 11, 2020. If the parties prefer the latter, the parties should notify the Court of which day during the week of May 11, 2020 they prefer. Regardless of whether the parties elect to keep their current Markman hearing date or postpone it, the Court will provide its preliminary constructions by 5PM the day before the Markman hearing is currently scheduled.

If the parties elect to postpone their hearings, they should meet-and-confer within 48 hours after receiving the Court's preliminary claim constructions to determine which claim terms still need to be raised at the Markman hearing. The parties should then file a joint notice describing whether they accept the Court's preliminary claim constructions and/or whether they wish to have arguments on those claim terms. To be clear, as is the Court's usual practice, the preliminary claim construction proffered by the Court are not binding; they are merely preliminary claim constructions. As such, parties are always free to offer their own claim constructions.

SIGNED this 9th day of April, 2020.



ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE