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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

16 TWITTER, INC.,  
17 Plaintiff,  
18 v.  
19 VOIP-PAL.COM, INC.,  
20 Defendant.

Case No. 3:21-cv-9773-JD

**PROPOSED SCHEDULE**

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1 In accordance with the Court’s July 22, 2022 Order (ECF No. 38), Plaintiff Twitter, Inc.  
2 (“Twitter”), and Defendant VoIP-Pal.com, Inc. (“VoIP-Pal”) (collectively, the “parties”) submit this  
3 Proposed Schedule. For the convenience of the Court, this Proposed Schedule is presented, along  
4 with other relevant information, in a similar format to a Joint Case Management Statement.

5 **1. Jurisdiction and Service**

6 This Court has held that personal jurisdiction and subject matter jurisdiction are proper. ECF  
7 No. 38. No parties remain to be served.

8 **2. Facts**

9 The parties refer the Court to the briefing concerning VoIP-Pal’s Motion to Dismiss (ECF  
10 Nos. 25, 30, 33) for a recitation of the relevant facts.

11 **3. Legal Issues**

12 The parties currently believe that the principal legal issues are:

- 13 • The proper construction of any disputed claim terms; and
- 14 • Whether Twitter’s products and services do not infringe any claims of U.S. Patent  
15 Nos. 8,630,234 and 10,880,721 (collectively, the “Mobile Gateway Patents”), either  
16 directly under 35 U.S.C. § 271(a), indirectly under 35 U.S.C. § 271(b) or (c), or  
17 through foreign activity under 35 U.S.C. § 271(f).

18 The parties reserve the right to raise additional factual or legal issues that may arise through  
19 the course of this action.

20 **Twitter’s additional statement:** Twitter intends to amend the Complaint to add claims for  
21 invalidity. Twitter believes an additional principal legal issue is whether all the claims of the Mobile  
22 Gateway Patents are invalid under one or more of 35 U.S.C. §§ 101, 102, 103, and/or 112.

23 **4. Motions**

24 **a. Pending Motions**

25 There are no pending motions.

26 **b. Anticipated Motions**

27 If VoIP-Pal does not counterclaim for infringement, Twitter anticipates filing a motion for  
28 leave to amend the complaint to add claims for declaratory judgment of invalidity under 35 U.S.C.

1           **5. Amendment of Pleadings, Addition of Parties**

2           As described above, if VoIP-Pal does not counterclaim for infringement, Twitter anticipates  
3 filing a motion for leave to amend the complaint to add claims for declaratory judgment of invalidity  
4 under 35 U.S.C. §§ 101, 102, 103, and 112.

5           The parties agree that the deadlines for joining parties and amending the pleadings should be  
6 in accordance with the proposed schedule set forth in Appendix A.

7           **6. Evidence Preservation**

8           The parties have reviewed the Northern District of California’s Guidelines for Discovery of  
9 Electronically Stored Information (“ESI”) and Checklist for Fed. R. Civ. P. 26(f) Meet and Confer  
10 Regarding ESI, including those portions related to evidence preservation. Each party has  
11 implemented a litigation hold with respect to materials believed to be relevant to this action.

12           **7. Initial Disclosures**

13           The parties agree that the deadline for initial disclosures under Fed. R. Civ. P. 26 should be  
14 in accordance with the proposed schedule set forth in Appendix A.

15           **8. Discovery**

16           **a. Protective Order**

17           The parties agree that a protective order will be necessary in this case in light of the sensitive  
18 and proprietary information that will be exchanged during discovery. The parties will submit a  
19 proposed order in accordance with the due dates set forth in Appendix A. In the meantime, the  
20 Court’s form protective order governs this action pursuant to Patent Local Rule 2-2.

21           **b. Limits to Discovery Requests and Depositions**

22           Currently, the parties do not anticipate a need to limit or modify the limits set by the Federal  
23 Rules of Civil Procedure.

24           **c. Electronically Stored Information (ESI)**

25           The parties will submit a proposed order regarding the discovery of electronically stored  
26 information to the Court.

27           **d. Electronic Service**

28           The parties agree to accept service by email. Each counsel will establish an email distribution

1 hand delivery. The parties agree that service by email by 11:59 p.m. Pacific time on a given day will  
2 be treated as service by personal delivery that day.

3 The parties further agree that documents filed publicly through the Court's ECF system need  
4 not be separately served by email or otherwise and that ECF filing constitutes personal service as of  
5 the date and time such document was filed. The parties agree that documents filed under seal or  
6 manually must be served by email or other electronic means including FTP transfer immediately  
7 following a related ECF filing, and that the email service of such documents shall relate back to the  
8 time of the related ECF filing.

9 **e. Privilege Logs**

10 The parties agree that privileged communications and documents covered by work product  
11 protection that are dated on or after October 6, 2016, need not be included in any privilege log. This  
12 exclusion applies only to communications and documents prepared and/or exchanged by or at the  
13 direction of counsel in anticipation of litigation or for trial; and to communications and documents  
14 exchanged between the parties and/or their counsel (outside counsel or in-house counsel). In  
15 addition, nothing herein precludes any party from arguing any alleged waiver of the attorney-client  
16 privilege by the other party.

17 The parties further agree that Pursuant to Fed. R. Evid. 502(d), the production of a privileged  
18 or work-product-protected document, whether inadvertent or otherwise, is not a waiver of privilege  
19 or protection from discovery in this case or in any other federal or state proceeding. For example,  
20 the mere production of privileged or work-product-protected documents in this case as part of a mass  
21 production is not itself a waiver in this case or in any other federal or state proceeding.

22 **f. Expert Discovery**

23 The parties agree that the protections provided in Fed. R. Civ. P. 26(b)(4)(B) and (C) will  
24 apply equally to expert declarations as they do to expert reports, including both drafts of declarations  
25 and communications related to declarations. In accordance with Fed. R. Civ. P. 26(b)(4), draft expert  
26 reports, notes, outlines, and any other writings leading up to an expert's final report(s) are exempt  
27 from discovery. In addition, all communications with and all materials generated by an expert with  
28 respect to his or her work on this action are exempt from discovery unless considered by the expert

1 report and all materials which he or she considered (other than documents produced in discovery).

2 **9. Class Actions**

3 This litigation is not a class action.

4 **10. Related Cases**

5 **a. Mobile Gateway Cases**

6 The following related cases concerning the Mobile Gateway Patents are currently pending  
7 in this District and before other tribunals:

8 ***In this District:***

- 9 • *Voip-Pal.com, Inc. v. Google, Inc.*, Case No. 3:22-cv-03199-JD (transferred from  
10 W.D. Tex. on June 1, 2022)
- 11 • *VOIP-PAL.COM, INC. v. Meta Platforms, Inc. et al.*, Case No. 3:22-cv-03202-JD  
12 (transferred from W.D. Tex. on June 1, 2022)
- 13 • *Cellco Partnership et al v. Voip-Pal.com, Inc.*, Case No. 3:21-cv-05275-JD (N.D.  
14 Cal.) (case stayed)

15 ***In the Western District of Texas:***

- 16 • *VOIP-PAL.COM, INC. v. AMAZON.COM, INC. et al.*, Case No. 6:21-cv-00668-  
17 ADA
- 18 • *VOIP-PAL.COM, INC. v. Verizon Communications, Inc. et al.*, Case No. 6:21-cv-  
19 00672-ADA
- 20 • *VOIP-PAL.COM, INC. v. T-Mobile US, Inc. et al.*, Case No. 6:21-cv-00674-ADA
- 21 • *VOIP-PAL.com.Inc. v. Samsung Electronics Co., Ltd et al.*, Case No. 6:21-cv-01246-  
22 ADA-DTG
- 23 • *VOIP-PAL.COM, INC. v. Huawei Technologies Co., LTD et al.*, Case No. 6:21-cv-  
24 01247-ADA-DTG

25 **b. '606 Cases**

26 The following cases concerning VoIP-Pal's U.S. Patent No. 10,218,606 are currently  
27 pending in this District and before other tribunals:

28 ***In this District:***

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