

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MIDWEST ENERGY EMISSIONS CORP.	)	
and MES Inc.,	)	
	)	C.A. No. 19-1334 (CJB)
Plaintiffs,	)	
	)	
v.	)	
	)	
ARTHUR J. GALLAGHER & CO., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**JOINT STIPULATION AND [PROPOSED] ORDER ON BRIEFING SCHEDULE ON  
DEFENDANTS’ POST-TRIAL MOTIONS (D.I. 716, 717, 718/719 & 720/721)**

Plaintiffs Midwest Energy Emissions Corp. and MES Inc. (“Plaintiffs”) and CERT Operations II LLC, CERT Operations IV LLC, CERT Operations V LLC, CERT Operations RCB LLC, Senescence Energy Products LLC, Bascobert (A) Holdings LLC, Buffington Partners LLC, Larkwood Energy LLC, Rutledge Products LLC, Cottbus Associates LLC, Springhill Resources LLC, and Marquis Industrial Company LLC (“Defendants”), hereby file this Joint Stipulation on Briefing Schedule and stipulate as follows:

WHEREAS, the Court has set a one-day bench trial as to Defendants’ defense of implied license for May 30, 2024 (D.I. 696);

WHEREAS, Defendants filed the following post-trial motions and supporting briefs on April 5, 2024:

- i. D.I. 716 – Motion to Dismiss Plaintiff MES Inc. and to Alter or Amend Judgments (D.I. 697-708);
- ii. D.I. 717 – Motion to Alter Judgments (D.I. 697-708), which is based upon the defense of implied license;
- iii. D.I. 718 and 719 – Motion for Judgment as a Matter of Law of No Induced Infringement,

No Contributory Infringement, and No Willful Infringement as to Plaintiffs' Claims for Infringement of U.S. Patent Nos. 10,343,114 and 10,596,517 and Brief in Support of Their Motion for Judgment as a Matter of Law as to No Induced Infringement, No Contributory Infringement, and No Willful Infringement; and

iv. D.I. 720 and 721– Motion for New Trial on the Issues of Induced Infringement, Contributory Infringement, Willful Infringement, and Damages with Respect to Plaintiffs' Claims for Infringement of U.S. Patent Nos. 10,343,114 and 10,596,517 and Brief in Support of Motion for New Trial

(collectively, "Defendants' Post-Trial Motions").

WHEREAS, the default briefing schedule under the Court's Local Rules provides that the deadline for Plaintiffs to file answering briefs in response to Defendants' Post-Trial motions is two (2) weeks from the filing date of the post-trial motions, or by April 19, 2024, and the deadline for Defendants to file rebuttal briefs in support of Defendants' Post-Trial Motions is one (1) week from Plaintiffs' answering/responsive filing deadline, or by April 26, 2024;

WHEREAS, the parties to the above-captioned action have negotiated proposed dates for an amended briefing schedule regarding Defendants' Post-Trial Motions by which all briefs will be filed in advance of the currently-scheduled bench trial; and

WHEREAS, the proposed amended briefing schedule does not alter any other deadlines set by the Court;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties to the above-captioned action, subject to the approval of the Court, that the schedule for briefing as to Defendants' post-trial motions is as follows:

Deadline	Current Due Dates	Proposed New Due Dates
Plaintiffs to file and serve their answering briefs/response to Defendants' Post-Trial Motions (D.I. Nos 716, 717, 718/719 and 720/721)	April 19, 2024	May 3, 2024
Defendants to file and serve their rebuttal briefs in support of Defendants' Post-Trial Motions (D.I. Nos 716, 717, 718/719 and 720/721)	April 26, 2024	May 17, 2024.

Dated: April 11, 2024

/s/ James M. Lennon

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Bascobert (A) Holdings LLC,  
Larkwood Energy LLC,  
Cottbus Associates LLC,  
Marquis Industrial Company, LLC, and  
Rutledge Products, LLC*

SO ORDERED this \_\_\_\_ day of April, 2024.

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The Honorable Christopher J. Burke