

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SIPCO, LLC, and IP CO, LLC
(d/b/a INTUS IQ),

Plaintiffs,

v.

Civil Action No. 6:15-cv-907

EMERSON ELECTRIC CO., EMERSON
PROCESS MANAGEMENT LLLP, FISHER-
ROSEMOUNT SYSTEMS, INC.,
ROSEMOUNT INC., BP, p.l.c., BP
AMERICA, INC., and BP AMERICA
PRODUCTION COMPANY,

Defendants.

PARTIALLY CONTESTED MOTION FOR ENTRY OF DOCKET CONTROL ORDER

Plaintiffs SIPCO, LLC and IP CO, LLC (d/b/a INTUS IQ) (together “Plaintiffs”), and Defendants Emerson Electric Co., Emerson Process Management LLLP, Fisher-Rosemount Systems, Inc., Rosemount Inc., BP America, Inc., and BP America Production Company (together “Defendants”), have met and conferred¹ and reached agreement on all of the events and dates to be included in the proposed Docket Control Order (Exhibit A) except the duration of trial. Accordingly, for the reasons set forth herein, the parties request the Court to adopt the agreed events and dates set forth in the proposed Docket Control Order (Exhibit A), and resolve the dispute with respect to the duration of trial.

Plaintiffs respectfully request the Court to set this case for a 10-day trial. Plaintiffs base this request on (1) the large number of asserted patents (11 patents) and defense entities (7

¹ Regarding the Preliminary Election and Final Election of Asserted Claims and Asserted Prior Art, the parties have agreed to meet and confer and will attempt to reach an agreement on the appropriate limitations on asserted claims and asserted prior art for this case. In the event an agreement is not reached, one party or both parties may bring his matter to the Court’s attention.

entities) involved in this case, (2) unique allegations of joint infringement, and (3) the complex, technical subject matter of the asserted patents and accused products.

Defendants respectfully request the Court to set this case for a 7-day trial. Defendants base this request on the fact that (1) the infringement issues in this case relate to the operation of the wireless system used by the accused products and there is only one wireless system used by all of the accused products, (2) the BP defendants are only customers of the Emerson defendants, (3) plaintiffs and defendants have agreed to reduce the number of asserted claims and number of asserted prior art references, and (4) there are only two patent families asserted with one family containing nothing but continuations of the original patent application, and the other patent family made up of continuations or continuations-in-part of an original application. Competing proposals for the duration of trial are set forth in the proposed Docket Control Order (Ex. A).

Accordingly, for the reasons set forth herein, the parties respectfully request the Court to adopt the agreed events and dates set forth in the proposed Docket Control Order (Exhibit A), and resolve the dispute with respect to the duration of trial.

Dated: March 25, 2016

Respectfully Submitted,

/s/ Paul J. Cronin by permission Claire A. Henry

Paul J. Cronin, Admitted July 16, 2012

LEAD ATTORNEY

(MA Bar No. 641230)

James C. Hall, Admitted April 9, 2012

(MA Bar No. 656019)

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2016 the foregoing document has been served upon all registered parties via EFC and has been mailed to those parties who are not registered.

/s/ Claire Abernathy Henry

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