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

FRACTUS, S.A.	§	
	§	
Plaintiff,	§	
	§	
	§	
v.	§	Civil Action No. 2:17-CV-00561
	§	
ZTE CORPORATION, ZTE (USA),	§	
INC., ZTE (TX), INC.	§	
	§	JURY TRIAL DEMANDED
Defendants.	§	
	§	

JOINT MOTION TO AMEND THE DOCKET CONTROL ORDER

On September 28, 2018, the Court granted ZTE's Motion to Dismiss for Lack of Venue and ordered the case transferred to the Northern District of Texas. Dkt. No. 104. The Order did not address any effect on the upcoming deadlines in the Docket Control Order. *See* Dkt. No. 74. There are multiple forthcoming deadlines under the current DCO, including the deadline to serve rebuttal expert reports, which is currently October 8, 2018. In light of the transfer order, the parties respectfully request that the Court grant a two-week extension of the deadline to serve rebuttal reports, making them due October 22, 2018. The parties also request that the Court stay all remaining deadlines, the majority of which relate to pre-trial motion practice.

The Docket Control Order gave the parties three weeks to draft and serve rebuttal expert reports. At the time the motion to transfer was granted, approximately two of those three weeks had passed. The parties and their experts had already performed a significant amount of work on the rebuttal reports. The parties are not opposed to completing expert reports, but the deadline for the rebuttal reports can be extended, to accommodate the schedules of the experts since the newly-assigned judge may apply different pretrial procedures.

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Judicial economy favors staying all remaining deadlines. In particular, *Daubert* motions and dispositive motions are currently due October 29, 2018. Those motions will be subject to different briefing and formatting rules in the Northern District of Texas than in the Eastern District of Texas, and the new judge may wish to set a different schedule for these pretrial procedures. This may lead to duplicative work in the transferee venue. Staying those deadlines until they are set by the transferee court will limit the financial burden on both parties.

CONCLUSION

For all the foregoing reasons, the parties jointly request that the Court grant their motion to amend the Docket Control Order.



DATED: October 3, 2018 Respectfully submitted,

/s/ Blaine Larson

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DOCKET

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