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and LG ELECS. MOBILE RES. U.S.A., LLC

18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20 BELL NORTHERN RESEARCH,
21 LLC,

22 Plaintiff,

23 v.

24 LG ELECTRONICS INC., LG
25 ELECTRONICS U.S.A., INC., and
26 LG ELECTRONICS MOBILE
RESEARCH U.S.A., LLC,

27 Defendants.

Case No. 3:18-CV-2864-CAB-BLM

**JOINT NOTICE OF PROPOSED
SCHEDULING ORDER AND NOTICE
REGARDING *INTER PARTES*
REVIEWS**

Judge: Hon. Cathy Bencivengo

Magistrate Judge: Hon. Barbara Lynn Major

1 On January 16, 2020, the Court held a claim construction hearing in the
2 above-captioned matter. At the end of that hearing, the Court instructed the parties
3 to submit, within two weeks (*i.e.*, by January 30, 2020), a joint proposed schedule
4 for the remainder of the case until trial, with an expected trial date in either
5 November or December 2020.¹ The Court further asked that the parties include a
6 discussion of the status of any *inter partes* review (“IPR”) proceedings involving
7 the patents asserted in this matter. Pursuant to the Court’s instructions, Plaintiff
8 Bell Northern Research, LLC (“BNR”) and Defendants LG Electronics Inc., LG
9 Electronics U.S.A., Inc., and LG Electronics Mobile Research U.S.A., LLC
10 (collectively, “LG”) jointly submit the following proposed schedule and notice
11 regarding IPRs.

12 **I. Proposed Schedule**

13 As the Court instructed, the parties have agreed upon a proposed schedule
14 for the remainder of the case up until trial. Attached as **Exhibit A** is a Proposed
15 Scheduling Order Regulating Discovery and Other Pretrial Proceedings, which
16 implements the parties’ agreed-upon schedule. The proposed order in Exhibit A is
17 based on a similar order entered by the Court as Docket Entry No. 87 in *Bell*
18 *Northern Research, LLC v. Coolpad Technologies, Inc.*, Case No. 18-cv-1783-
19 CAB-BLM (S.D. Cal.). The proposed order includes the deadlines listed in the
20

21
22 ¹ According to the Case Management Order, the parties were required to “contact the
23 chambers of Judge Major within seven days of Judge Bencivengo’s ruling on the
24 Claim Construction to set the remaining dates.” [Dkt. No. 38 at 4.] Judge
25 Bencivengo issued a ruling on claim construction on January 21, 2020, [Dkt. No. 99],
26 thus requiring the parties to contact Judge Major’s chambers by January 28, 2020.
27 Pursuant to this requirement, counsel for BNR and LG jointly called Judge Major’s
28 chambers on January 28, 2020, to indicate that the parties would be submitting a
proposed schedule by January 30, 2020, as requested by Judge Bencivengo at the
claim construction hearing.

1 table below. While the parties have respectfully suggested deadlines, the parties
 2 will abide by whatever deadlines the Court may wish to set.

Event	Date
Completion of fact discovery	April 17, 2020
Designation of experts	April 17, 2020
Confidential settlement statements due	Seven (7) calendar days before the mandatory settlement conference or a date of the Court's convenience
Mandatory settlement conference	At a date and time of the Court's convenience
Supplemental designation of experts	May 8, 2020
Opening expert reports	May 22, 2020
Rebuttal expert reports	July 2, 2020
Completion of expert discovery	July 31, 2020
Dispositive and Daubert motions	August 28, 2020
Oppositions to dispositive and Daubert motions	September 17, 2020
Replies in support of dispositive and Daubert motions	September 25, 2020
Hearing on dispositive and Daubert motions	To be determined at the Court's convenience and discretion
Pretrial disclosures required by Fed. R. Civ. P. 26(a)(3)	November 2, 2020
Meet and confer pursuant to Local Civil Rule 16.1(f)(4) regarding the pretrial order	November 9, 2020
Plaintiff provides defendant with proposed pretrial order	November 16, 2020
Motions in limine	November 16, 2020
Proposed final pretrial conference order lodged with Judge Bencivengo's chambers	November 23, 2020
Oppositions to motions in limine	November 23, 2020
Final pretrial conference	November 30, 2020 at 9:00 a.m., or at a date and time of the Court's convenience
Trial	At a date and time of the Court's convenience

28 JOINT NOTICE OF PROPOSED SCHEDULING ORDER AND NOTICE REGARDING *INTER*

Parties Review

1 Regarding a trial date, the parties respectfully submit that the above
2 proposed schedule prepares the case for trial by December 2020, consistent with
3 the Court’s request during the claim construction hearing. BNR respectfully
4 requests that the trial date be set for a time other than the week of November 30
5 and December 7 due to another trial at which BNR’s damages expert is expected to
6 testify.

7 **II. Notice Regarding *Inter Partes* Reviews**

8 As the Court requested, the parties respectfully apprise the Court of the
9 status of any pending IPRs regarding the patents-in-suit.

10 BNR is currently asserting six patents in this matter: U.S. Patent Nos.
11 8,416,862 (“the ’862 patent”); 7,957,450 (“the ’450 patent”); 8,792,432 (“the ’432
12 patent”); 7,039,435 (“the ’435 patent”); and 6,549,792 (“the ’792 patent”). BNR
13 had also asserted 7,945,285 (“the ’285 patent”), but in view of the Court’s
14 *Markman* rulings with regard to that patent, BNR will likely not substantively
15 pursue its claims of infringement of the ’285 patent in this case.

16 In November and December 2019, LG filed petitions with the U.S. Patent
17 and Trademark Office’s Patent Trial and Appeal Board (“PTAB”) seeking the
18 institution of IPR on five of the six patents—the ’862, ’450, ’435, ’792, and ’285
19 patents—as set forth in more detail below. The ’435 patent is also the subject of
20 an IPR petition filed by ZTE (USA) Inc., as set forth in more detail below.

21 **The ’862 Patent**

22 LG filed a petition for IPR of the ’862 patent on November 12, 2019,
23 challenging all claims asserted in this matter. *See LG Electronics Inc. v. Bell*
24 *Northern Research, LLC*, Case No. IPR2020-00108, Paper No. 2 (PTAB). On
25 November 21, 2019, the PTAB issued a notice of filing date of November 12,
26 2019, and gave BNR three months (until February 21, 2020) to file a preliminary
27

1 response to the petition. *Id.*, Paper No. 4. Pursuant to 35 U.S.C. § 314(b), the
2 PTAB must issue a decision on institution of the IPR no later than May 21, 2020.

3 **The '450 Patent**

4 LG filed a petition for IPR of the '450 patent on December 19, 2019,
5 challenging all claims asserted in this matter. *See LG Electronics Inc. v. Bell*
6 *Northern Research, LLC*, Case No. IPR2020-00318, Paper No. 2 (PTAB). On
7 December 23, 2019, the PTAB issued a notice of filing date of December 19,
8 2019, and gave BNR three months (until March 23, 2020) to file a preliminary
9 response to the petition. *Id.*, Paper No. 3. Pursuant to 35 U.S.C. § 314(b), the
10 PTAB must issue a decision on institution of the IPR no later than June 23, 2020.

11 **The '435 Patent**

12 LG filed a petition for IPR of the '435 patent on December 19, 2019,
13 challenging all claims asserted in this matter. *See LG Electronics Inc. v. Bell*
14 *Northern Research, LLC*, Case No. IPR2020-00319, Paper No. 2 (PTAB). On
15 December 23, 2019, the PTAB issued a notice of filing date of December 19,
16 2019, and gave BNR three months (until March 23, 2020) to file a preliminary
17 response to the petition. *Id.*, Paper No. 3. Pursuant to 35 U.S.C. § 314(b), the
18 PTAB must issue a decision on institution of the IPR no later than June 23, 2020.

19 The '435 patent is also the subject of a petition for IPR filed by ZTE (USA)
20 Inc. on July 24, 2019. *See ZTE (USA) Inc. v. Bell Northern Research*, Case No.
21 IPR2019-01365, Paper No. 1 (PTAB). BNR filed a preliminary response to ZTE's
22 petition on November 12, 2019. *Id.*, Paper No. 8. Pursuant to 35 U.S.C. § 314(b),
23 the PTAB must issue a decision on institution of the IPR no later than February 12,
24 2020.

25 **The '792 Patent**

26 LG filed a petition for IPR of the '792 patent on December 20, 2019,
27 challenging all claims asserted in this matter. *See LG Electronics Inc. v. Bell*

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