

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GUI GLOBAL PRODUCTS, LTD. d/b/a
GWEE

Plaintiff,
v.

SAMSUNG ELECTRONICS CO., LTD.
ET. AL

Defendants.

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Civil No. 4:20-cv-02624
(LEAD)

JURY TRIAL DEMANDED

GUI GLOBAL PRODUCTS, LTD. d/b/a
GWEE

Plaintiff,
v.

APPLE INC.,

Defendant.

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Civil No. 4:20-cv-02652
(Consolidated)

JOINT MOTION TO AMEND THE SCHEDULING ORDER (DKT. 92)

Plaintiff GUI Global Products, Ltd. (“GUI”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”) and Apple Inc. (“Apple”) (collectively, “the Parties”) respectfully request that the Court amend the Scheduling Order entered May 31, 2021 (Dkt. 92) to extend the current case deadlines until after the Patent Trial and Appeal Board (“PTAB”) issues institution decisions on four petitions for *inter partes* review (“IPRs”) filed by Apple as well as the determination of any disputes regarding a stay pending any instituted IPRs.

As noticed by Samsung (Dkt. 93), on July 2, 2021, based on the petitions filed by *Samsung*, the PTAB instituted IPR of all claims of each of the four patents-in-suit. Samsung subsequently reached out to GUI and requested agreement to stay this litigation pending

resolution of the instituted IPRs. GUI stated that while it opposes such a stay at this point, it will not oppose a stay should the PTAB decided to institute IPRs on all of Apple's pending petitions as well. The institution decisions on Apple's petitions are expected by August 19, 2021 (the "Expected Institution Date").

In the interest of conserving the resources of the Court and Parties, the Parties propose postponing the upcoming litigation deadlines until the PTAB issues institution decisions on Apple's IPRs. In the event that all four of Apple's IPR petitions are instituted, the Parties have agreed that the Plaintiff would not oppose a motion (which would be filed promptly after the institution decisions) by Samsung and Apple to stay the litigation pending final decisions from the PTAB in all then-pending said IPRs. However, in the event that all four of Apple's IPR petitions are not instituted, the Parties have agreed to a briefing schedule for an opposed motion to stay as follows:

- Opening Motion/Brief due September 2, 2021 (14 days after the Expected Institution Date);
- Responsive Brief due September 16, 2021 (14 days after Opening Motion/Brief);
and
- Reply Brief due September 23, 2021 (7 days after Responsive Brief) .

The Parties further agree to postpone the upcoming deadlines until three weeks after the Reply Brief to allow the Court time to enter a decision.

The Parties respectfully submit that, given the possibility of an unopposed stay if Apple's IPRs are instituted, the proposed amendment to the schedule would best conserve the limited resources of the Court (*e.g.*, avoid unnecessary motion practice) as well as the Parties (*e.g.*, avoid

unnecessary work if the litigation is to be stayed). Therefore, the Parties respectfully request that Court enter the proposed Amended Scheduling Order.

Date: July 8, 2021

Respectfully submitted,

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COUNSEL FOR DEFENDANT APPLE INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on all counsel of record via the Court's CM/ECF system on the 8 day of July 2021.

/s/ John J. Edmonds
John J. Edmonds