

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

BRIGHT DATA LTD.,

Plaintiff,

v.

NETNUT LTD.,

Defendant.

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Case No. 2:21-cv-00225-JRG-RSP

ORDER

Before the Court is the Motion to Extend the Deadline for Amending Infringement Contentions in the Discovery Order filed by Plaintiff Bright Data Ltd. Dkt. No. 80. Bright Data asks the Court to extend the deadline to amend infringement contentions to February 4, 2022, which is 30 days after Bright Data’s expert could begin review of Defendant NetNut Ltd.’s source code. Although the code was available for review beginning on December 14, 2021, Dkt. No. 82 at 3, Bright Data claims that its code reviewer could not begin reviewing the code until January 5, 2022 “due to the holidays and his work schedule.” Dkt. No. 80 at 1. Additionally, Bright Data argues that extending the deadline will not affect any other deadlines in the case. *Id.* at 2.

In response, NetNut argues that the extension would affect other deadlines, particularly deadlines for claim construction, and that Bright Data has failed to show good cause for the extension. Dkt. No. 82 at 1-2. As to deadlines, NetNut argues that this extension would push the deadline to amend infringement contentions past the deadline for filing the Joint Claim Construction Statement pursuant to P.R. 4-3, currently due on January 26. *Id.* at 2. Additionally, NetNut argues that Bright Data’s reason for why its code reviewer could not begin working until January 5 does not excuse its lack of preparation and failure to ensure its code reviewer could begin reviewing the code on December 14. *Id.* at 2-3.

The Court finds Bright Data has failed to demonstrate good cause to extend the deadline for a full 30 days. However, the Court recognizes the importance of the source code review, and given the date of this Order, the Court **GRANTS-IN-PART** the motion. It is therefore **ORDERED** that the deadline to amend infringement contentions is extended to January 26, 2022. To address some of NetNut's concerns, the Court further **ORDERS** that the deadline to file the Joint Claim Construction Statement pursuant to P.R. 4-3 is extended to February 2, 2022.

SIGNED this 11th day of January, 2022.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE