

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

COBBLESTONE WIRELESS, LLC,

*Plaintiff,*

v.

CELLCO PARTNERSHIP d/b/a VERIZON  
WIRELESS

*Defendant,*

CASE NO. 2:23-cv-00382-JRG-RSP

(Lead Case)

JURY TRIAL DEMANDED

COBBLESTONE WIRELESS, LLC,

*Plaintiff,*

v.

AT&T SERVICES INC.; AT&T MOBILITY  
LLC; AT&T CORP.,

*Defendants,*

CASE NO. 2:23-cv-00380-JRG-RSP  
(Member Case)

JURY TRIAL DEMANDED

COBBLESTONE WIRELESS, LLC,

*Plaintiff,*

v.

T-MOBILE USA, INC.,

*Defendant,*

CASE NO. 2:23-cv-00381-JRG-RSP  
(Member Case)

JURY TRIAL DEMANDED

—AND—

COBBLESTONE WIRELESS, LLC,

*Plaintiff,*

v.

T-MOBILE USA, INC.,

CASE NO. 2:22-cv-00477-JRG-RSP  
(Lead Case)

JURY TRIAL DEMANDED

*Defendant,*

NOKIA OF AMERICA CORPORATION,  
ERICSSON INC.

*Intervenors.*

COBBLESTONE WIRELESS, LLC,

*Plaintiff,*

v.

AT&T SERVICES INC.; AT&T MOBILITY  
LLC; AT&T CORP.,

*Defendants,*

NOKIA OF AMERICA CORPORATION,  
ERICSSON INC.

*Intervenors.*

COBBLESTONE WIRELESS, LLC,

Plaintiff,

v.

CELLCO PARTNERSHIP d/b/a VERIZON  
WIRELESS

*Defendant,*

NOKIA OF AMERICA CORPORATION,  
ERICSSON INC.

*Intervenors.*

CASE NO. 2:22-cv-00474 -JRG-RSP  
(Member Case)

JURY TRIAL DEMANDED

CASE NO. 2:22-cv-00478 -JRG-RSP  
(Member Case)

JURY TRIAL DEMANDED

**PLAINTIFF'S OPPOSITION TO MOTION TO CONSOLIDATE**

## I. INTRODUCTION

Defendants' motion to consolidate the Carrier 1 cases and the Carrier 2 cases, and put all cases on the same schedule as the later-filed Carrier 2 cases, is without merit and should be denied. The purpose of Rule 42 is to promote judicial economy and reduce unnecessary costs or delay. But consolidating the two sets of cases, which were filed eight months apart and thus are at completely different stages, would not meaningfully reduce costs at all. There are zero overlapping patents and the accused functionalities differ. Indeed, the '802 patent asserted in the Carrier 2 cases is not related to the patents asserted in the Carrier 1 cases and there are no overlapping inventors. Thus, the Carrier 1 and Carrier 2 cases will require separate discovery and claim construction regardless of consolidation. And to the extent there is any overlap, the Court has already ordered cross-use of documents and source code in order to minimize duplication.

Defendants attempt to downplay the substantial prejudice to Cobblestone that would result if their motion were granted by arguing that it would only set the Carrier 1 cases back by a "few months." This is simply untrue. Trial in the Carrier 1 cases is currently set for September 2024, whereas trial in the Carrier 2 cases is in May 2025. The requested consolidation would thus delay Carrier 1 by *eight months*, which is substantial. Indeed, this Court recently denied consolidation where the cases had far more in common than they do here because they were "too far apart" in time. *Entropic Commc'ns, LLC v. Charter Commc'ns, Inc.*, No. 2:22-cv-00125-JRG, 2023 WL 5613185, at \*1 (E.D. Tex. Aug. 29, 2023). The same reasoning applies here.

Notably, during the parties' meet and confer, Cobblestone offered to put the Carrier 2 cases on the same track as the Carrier 1 cases in order to address Defendants' purported concerns about duplication and costs. Defendants rejected this proposal, confirming that their primary goal is delay. This is improper. Their motion should be denied.

## II. BACKGROUND

Defendants' motion seeks to consolidate two sets of consolidated cases, filed eight months apart, that are on different schedules and concern different patents and different accused instrumentalities. The first set of consolidated cases, which Defendants refer to as the "Cobblestone 1.0 Carrier Cases" (hereafter referred to as the "Carrier 1" cases), were filed in December 2022:

- *Cobblestone Wireless, LLC v. T-Mobile USA, Inc.*, No. 2:22-cv-00477 (E.D. Tex.) (lead case), filed on December 16, 2022;
- *Cobblestone Wireless, LLC v. Verizon Communications Inc.*, No. 2:22-cv-00478 (E.D. Tex.), filed on December 16, 2022; and
- *Cobblestone Wireless, LLC v. AT&T Inc.*, No. 2:22-cv-00474 (E.D. Tex.), filed on December 15, 2022.

In each of these cases, Cobblestone alleges infringement of U.S. Patent Nos. 8,891,347 ("347 patent"), 9,094,888 ("888 patent"), 10,368,361 ("361 patent"), and 8,554,196 (the "196 patent"). As set forth in Cobblestone's infringement contentions served on March 13, 2022, the accused products in the Carrier 1 cases include (1) cellular base stations that support 3GPP 5G NR beamforming, handover between 4G and 5G NR wireless networks, or directional Supplementary Uplink (SUL) and/or Bandwidth Adaptation functionality, (2) cellular user equipment and Wi-Fi gateway devices that supports 3GPP 5G NR beamforming, and (3) cellular handsets, tablets, or smartwatches that support Wi-Fi-only automatic updates. Mirzaie Decl. ¶ 2. At a high level, beamforming is a technique that uses multiple antennas at the base station to form directional beams towards user devices, improving the signal quality and the spectral efficiency. Handover is the process of transferring a mobile device's connection from one network to another, while maintaining the continuity and quality of the services. Directional supplementary uplink and/or bandwidth adaptation allows base stations to adjust the frequency spectrum utilized according to

the channel conditions and mobile device requirements. Wi-Fi-only automatic updates is a feature that allows a device to update applications or software only when connected to a Wi-Fi network, thus saving cellular data and battery life. Jury selection is set to begin in the Carrier 1 cases on September 23, 2024.

The second set of consolidated cases, which Defendants refer to as the “Cobblestone 2.0 Carrier Cases” (hereafter referred to as the “Carrier 2” cases), were filed eight months later in August 2023:

- *Cobblestone Wireless, LLC v. Cellco Partnership d/b/a Verizon Wireless*, No. 2:23-cv-00382 (E.D. Tex.) (lead case), filed on August 25, 2023;
- *Cobblestone Wireless, LLC v. AT&T Services Inc.*, No. 2:23-cv-00380 (E.D. Tex.), filed on August 25, 2023; and
- *Cobblestone Wireless, LLC v. T-Mobile USA, Inc.*, No. 2:23-cv-00381 (E.D. Tex.), filed on August 25, 2023.

The asserted patent in those cases, U.S. Patent No. 7,924,802 (“802 patent”), comes from a different family than those asserted in the Carrier 1 case. As set forth in Cobblestone’s infringement contentions served on December 11, 2023, the accused products in the Carrier 2 cases include cellular base stations, mobile products, and services that support 3GPP carrier aggregation. Mirzaie Decl. ¶ 3. At a high level, 3GPP carrier aggregation is a technology that allows a device to use multiple frequency ranges simultaneously for faster and more reliable data transmission. Jury selection is currently set for May 19, 2025—eight months after the trial in the Carrier 1 cases.

The accused products and accused functionalities are fundamentally different as described in detail above even if there is some general overlap between the Carrier 1 and Carrier 2 cases. Given the highly specialized settings in which these functionalities are typically developed, it is unlikely for there to be meaningful overlap in Defendants’ technical witnesses. Defendants also

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