

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

UNILOC USA, INC., *ET AL.*

Plaintiffs,

V.

MOTOROLA MOBILITY LLC

SNAP, INC.

HTC AMERICA, INC.

LG ELECTRONICS U.S.A., INC.,

LG ELECTRONICS, INC., and

LG ELECTRONICS

MOBILECOMM USA, INC.,

ZTE (USA), INC. ET AL.

HUAWEI DEVICE USA INC. ET AL.,

Defendants.

Case No. 2:16-cv-00992-JRG

LEAD CASE

2:16-cv-00696-JRG

2:16-cv-00989-JRG

2:16-cv-00991-JRG

2:16-cv-00993-JRG

2:16-cv-00994-JRG

DEFENDANTS' OPPOSED MOTION TO AMEND THE DOCKET CONTROL ORDER

Upon consolidating defendants LG Electronics U.S.A., Inc., LG Electronics, Inc., and LG Electronics MobileComm USA, Inc. (collectively, "LG") in this ongoing consolidated case, the Court instructed the parties "to meet and confer to determine whether the docket control order . . . warrant[s] further amendment because of the new consolidation." (Dkt. 130 at 1.) Pursuant to that instruction, Defendants¹ seek to amend the following dates in the current Docket Control Order (Dkt. No. 95):

¹ Motorola Mobility LLC ("Motorola"); Snap, Inc. ("Snap"); HTC America, Inc. ("HTC"); ZTE (USA), Inc. and ZTE (TX), Inc. ("ZTE"); and Huawei Device USA, Inc. and Huawei Device Co., Ltd. ("Huawei"). LG, together with Motorola, Snap, HTC, ZTE, and Huawei are, collectively, "Defendants."

ORIGINAL DATE	PROPOSED DATE	
November 17, 2017	December 8, 2017	Deadline to Complete Mediation The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation.
October 20, 2017	November 17, 2017	*Claim Construction Hearing – 1:30 p.m. in Marshall, Texas before Judge Rodney Gilstrap
October 6, 2017	November 3, 2017	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
September 29, 2017	October 30, 2017	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
September 22, 2017	October 23, 2017	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
August 25, 2017	September 25, 2017	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
August 18, 2017	September 18, 2017	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
July 28, 2017	August 25, 2017	Comply with P.R. 4-3 (Joint Claim Construction Statement)
June 30, 2017	July 28, 2017	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
June 9, 2017	July 7, 2017	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)

Defendants respectfully submit that a brief extension of approximately one month for the claim construction deadlines will allow all defendants in this consolidated action – including LG – adequately to consult and fully prepare the joint claim construction submissions required. In order to accommodate this adjustment without unreasonably burdening the parties and their counsel, the requested amendment also extends to the deadlines for the claim construction hearing and other deadlines for which good cause is required. Defendants believe that LG’s recent consolidation in this ongoing action constitutes good cause for amendment.

While Defendants seek modification of the Court’s deadline to complete mediation to allow for claim construction proceedings to inform the mediation, Defendants do not seek

modification of any subsequent deadlines. Thus, the deadlines to complete fact and expert discovery, serve expert disclosures, and file dispositive motions, as well as the dates of the pretrial conference and jury selection, would remain unchanged. For at least this reason, Plaintiffs would not be prejudiced by the requested amendment.²

Finally, Defendants are aware of the following unconsolidated pending cases involving the same patents-in-suit:

Uniloc USA, Inc. v. Google, Inc., Case No. 2:17-cv-00214

Uniloc USA, Inc. v. Google, Inc., Case No. 2:17-cv-00224

Uniloc USA, Inc. v. Google, Inc., Case No. 2:17-cv-00231

Uniloc USA, Inc. v. Kik Interactive, Inc., Case No. 2:17-cv-00347

Uniloc USA, Inc. v. Hike Ltd., Case No. 2:17-cv-00349

All these cases appear to be in their early stages. Therefore, should the Court consolidate these with the instant litigation, a further extension—beyond the schedule Defendants now seek—will be necessary.

Accordingly, Defendants respectfully request that the Court amend the Docket Control Order as set forth above and in their proposed order.

² Plaintiffs did not identify any potential prejudice in opposing this amendment.

Dated: May 18, 2017

/s/ Robert W. Unikel

Robert W. Unikel (*pro hac vice*)
Illinois State Bar No. 6216974
ARNOLD & PORTER KAYE SCHOLER LLP
70 W. Madison St., Suite 4200
Chicago, IL 60602-4231
Telephone: 312-583-2300
Facsimile: 312-583-2360
Email: robert.unikel@apks.com

Jeffrey A. Miller (*pro hac vice*)
California State Bar No. 160602
ARNOLD & PORTER KAYE SCHOLER LLP
3000 El Camino Real Five Palo Alto Square
Palo Alto, CA 94306-3807
Telephone: 650-319-4500
Facsimile: 650-319-4700
Email: jeffrey.miller@apks.com

Paul I. Margulies (*pro hac vice*)
DC Bar No. 1000297
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Ave, NW
Washington, DC 20001
Telephone: 202-942-5000
Facsimile: 202-942-5999
Email: paul.margulies@apks.com

Counsel for Motorola Mobility LLC

/s/Harold H. Davis, Jr.

Howard L. Chen (SBN 257393)
(admitted in E.D. Texas)
howard.chen@klgates.com
Harold H. Davis, Jr. (SBN 235552)
(admitted in E.D. Texas)
harold.davis@klgates.com
Rachel Burnim (SBN 292952)
(admitted in E.D. Texas)
rachel.burnim@klgates.com
K&L GATES LLP
Four Embarcadero Center, Ste. 1200
San Francisco, CA 94111
Telephone: 415.882.8200

Facsimile: 415.882.8220

Ravinder Singh Deol
State Bar No. 24090073
ravi.deol@klgates.com
K&L GATES LLP
1717 Main St., Suite 2800
Dallas, TX 75201
Telephone: 214.939.5500
Fax: 214.939.5849

*Attorneys for Defendants
ZTE (USA), INC. and ZTE (TX), INC.
and ZTE (TX), INC.*

/s/Stanley Young

Stanley Young
(admitted in E.D. Texas)
syoung@cov.com
Devon Mobley-Ritter
(admitted in E.D. Texas)
dmobleyritter@cov.com
COVINGTON & BURLING LLP
333 Twin Dolphin Drive, Suite 700
Redwood Shores, CA 94065-1418
Telephone: (650) 632-4700
Facsimile: (650) 632-4800

Gregory S. Nieberg
(admitted in E.D. Texas)
gnieberg@cov.com
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
Telephone: (212) 841-1000
Facsimile: (212) 841-1010

*Attorneys for Huawei Device USA Inc. and
Huawei Device Co., Ltd.*

/s/Reuben H. Chen

COOLEY LLP
HEIDI L. KEEFE (CA 178960)
hkeefe@cooley.com

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.