

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

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

LG ELECTRONICS, INC., ET AL.,

Defendants.

Civil Action No. 6:14-cv-982-JRG
CONSOLIDATED LEAD CASE

JOINT MOTION TO MODIFY DOCKET CONTROL ORDER

In accordance with the Order referring this case to the Honorable K. Nicole Mitchell for all pretrial purposes (Dkt. No. 89), Plaintiff and all Defendants (collectively, the “Parties”) hereby jointly move the Court to adopt a modified schedule designed to streamline upcoming claim construction proceedings for the Court and the Parties.

The Parties do not propose changing any of the current deadlines relating to claim construction. Rather, the Parties propose introducing into the current schedule a letter briefing procedure to address indefiniteness issues, in accordance with the Court’s Model Docket Control Order and Standing Order Regarding Letter Briefs. The Parties further propose that rather than separate summary judgment briefing on indefiniteness, the Parties address indefiniteness in their *Markman* briefing, as prescribed by the current Docket Control Order. *See* Dkt. No. 113 at 4 (“In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local

rules' normal page limits.'').¹ Finally, the Parties propose to include their agreement regarding the timing of expert disclosures, declarations, and depositions relating to claim construction issues, including indefiniteness.

The Parties' proposed additions to the Docket Control Order are set forth below.

Deadline	Event
December 17, 2015	*Claim Construction Hearing – 9:00 a.m. in Tyler, Texas before Judge K. Nicole Mitchell
November 23, 2015	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
<i>November 23, 2015</i>	<i>Deadline for Defendants to file Sur-Reply Claim Construction Brief (limited to indefiniteness issues)</i>
November 16, 2015	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief) <i>(including any expert declaration regarding indefiniteness)</i>
November 9, 2015	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief) <i>(including any indefiniteness issues and any expert declaration)</i>
October 26, 2015	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) <i>(including any expert declaration regarding claim construction issues other than indefiniteness)</i> 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).
<i>October 22, 2015</i>	<i>Deadline for Defendants to File Reply Letter Brief Concerning Indefiniteness Issues</i>
October 12, 2015	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery) <i>(excluding depositions of experts)</i>
<i>October 12, 2015</i>	<i>Deadline for Plaintiff to File Opposition Letter Brief Concerning Indefiniteness Issues</i>
<i>September 25, 2015</i>	<i>Deadline for Defendants to File Letter Brief Concerning Indefiniteness Issues</i>

¹ The Parties recognize that extensions of the normal page limits may be warranted to address indefiniteness issues and agree to submit any proposal regarding extended page limits following the Court's ruling on any letter brief concerning indefiniteness.

September 14, 2015	Comply with P.R. 4-3 (Joint Claim Construction Statement) (<i>including identification of experts</i>)
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(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

For the foregoing reasons, the Parties submit that good cause exists for the proposed modifications to the Docket Control Order and, accordingly, respectfully request that the Court grant the motion.

Dated: September 3, 2015

Respectfully submitted,

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