

**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,

<p><u>/s/ Edward R. Nelson III</u> Edward R. Nelson III ed@nelbum.com Texas State Bar No. 00797142 S. Brannon Latimer brannon@nelbum.com Texas State Bar No. 24060137 Thomas C. Cecil tom@nelbum.com Texas State Bar No. 24069489</p> <p>NELSON BUMGARDNER PC 3131 West 7th Street, Suite 300 Fort Worth, Texas 76107 Phone: (817) 377-9111 Fax: (817) 377-3485</p> <p>T. John Ward, Jr. Texas State Bar No. 00794818 J. Wesley Hill Texas State Bar No. 24032294 Claire Abernathy Henry Texas State Bar No. 24053063 Ward & Smith Law Firm P.O. Box 1231 1127 Judson Rd. Ste. 220 Longview, Texas 75606-1231 (903) 757-6400 (903) 757-2323 (fax) jw@jwfirm.com</p>	<p><u>/s/ Melissa R. Smith</u> Melissa R. Smith State Bar No. 24001351 GILLAM & SMITH, LLP 303 S. Washington Ave. Marshall, TX 75670 Telephone: (903) 934-8450 Facsimile: (903) 934-9257 melissa@gillamsmithlaw.com</p> <p>John C. Hueston (<i>Pro Hac Vice</i>) Douglas J. Dixon (<i>Pro Hac Vice</i>) HUESTON HENNIGAN LLP 620 Newport Center Dr., Suite 1300 Newport Beach, CA 92660 Telephone: (949) 226-6741 DDixon@hueston.com JHueston@hueston.com</p> <p>Alexander C.D. Giza CA Bar No. 212327 (Admitted E.D. Tex.) HUESTON HENNIGAN LLP 523 West 6th Street, Suite 400 Los Angeles, CA 90014 Telephone: (213) 788-4340 agiza@hueston.com</p> <p>ATTORNEYS FOR DEFENDANTS T-MOBILE USA, INC. AND T-MOBILE US, INC.</p>
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<p>wh@wsfirm.com claire@wsfirm.com</p> <p>ATTORNEYS FOR CELLULAR COMMUNICATIONS EQUIPMENT LLC</p>	
<p><i>/s/ Christopher W. Kennerly</i> Christopher W. Kennerly TX Bar No. 00795077 chriskennerly@paulhastings.com Jonas P. Herrell CA Bar No. 279075 jonasherrell@paulhastings.com PAUL HASTINGS LLP 1117 S. California Ave. Palo Alto, CA 94304-1106 Telephone: (650) 320-1800 Facsimile: (650) 320-1900</p> <p>Jeffrey D. Comeau CA Bar No. 259679 jeffreycomeau@paulhastings.com PAUL HASTINGS LLP 4747 Executive Drive Twelfth Floor San Diego, CA 92121-3114 Telephone: (858) 458-3000 Facsimile: (858) 458-3005</p> <p>Trey Yarbrough TX Bar No. 22133500 trey@yw-lawfirm.com YARBROUGH WILCOX, PLLC 100 E. Ferguson St., Suite 1015 Tyler, Texas 75702 Telephone (903) 595-3111 Facsimile (903) 595-019</p> <p>ATTORNEYS FOR AT&T MOBILITY LLC</p>	<p><i>/s/ Jamie B. Beaber</i> Jamie B. Beaber (D.C. Bar No. 484186) Kfir B. Levy (D.C. Bar No. 989212) Michael W. Maas (D.C. Bar No. 493685) MAYER BROWN LLP 1999 K Street, N.W. Washington, DC 20006-1101 Telephone: (202) 263-3000 Facsimile: (202) 263-3300 jbeaber@mayerbrown.com klevy@mayerbrown.com mmaas@mayerbrown.com</p> <p>Robert G. Pluta (IL Bar No. 6278255) MAYER BROWN LLP 71 S. Wacker Drive Chicago, IL 60606 Telephone: (312) 782-0600 Facsimile: (312) 701-7711 rpluta@mayerbrown.com</p> <p>Michael E. Jones State Bar No. 10929400 mikejones@potterminton.com Allen F. Gardner State Bar No. 24043679 allengardner@potterminton.com POTTER MINTON P.C. 110 N. College Avenue, Suite 500 Tyler, Texas 75702 Telephone: (903) 597-8311 Facsimile: (903) 593-0846</p> <p>ATTORNEYS FOR LG ELECTRONICS, INC. AND LG ELECTRONICS U.S.A., INC.</p>

<p><u>/s/ Charles T. Steenburg</u> Richard L. Wynne Texas State Bar No. 24003214 richard.wynne@tklaw.com THOMPSON & KNIGHT LLP One Arts Plaza 1722 Routh St., Suite 1500 Dallas, TX 75201 Telephone: (214) 969-1386 Facsimile: (214) 880-3267</p> <p>Michael N. Rader (pro hac vice) Charles T. Steenburg (pro hac vice) Chelsea A. Loughran (pro hac vice) W. Brett Morrison (pro hac vice) mrader@wolfgreenfield.com csteeenburg@wolfgreenfield.com cloughran@wolfgreenfield.com wmorrison@wolfgreenfield.com WOLF, GREENFIELD & SACKS, P.C. 600 Atlantic Avenue Boston, MA 02210-2206 Telephone: (617) 646-8000 Facsimile: (617) 646-8646</p> <p>ATTORNEYS FOR DEFENDANT SONY MOBILE COMMUNICATIONS (USA) INC.</p>	<p><u>/s/ Robert W. Weber</u> Robert W. Weber SMITH WEBER, L.L.P. Texas State Bar No. 21044800 5505 Plaza Drive P.O. Box 6167 Texarkana, TX 75505-6167 Tele: (903) 223-5656 Fax: (903) 223-5652 Email: bweber@smithweber.com</p> <p>Mark W. McGrory (pro hac vice) Megan J. Redmond (pro hac vice) Carrie A. Bader (pro hac vice) ERISE IP P.A. 6201 College Blvd, Suite 300 Overland Park, KS 66211 Tel: (913) 777-5600 Fax: (913) 777-5691 mark.mcrory@eriseip.com megan.redmond@eriseip.com carrie.bader@eriseip.com</p> <p>ATTORNEYS FOR SPRINT SOLUTIONS, INC., SPRINT SPECTRUM L.P., AND BOOST MOBILE, LLC</p>
<p><u>/s/ Michael E. Jones</u> Michael E. Jones State Bar No. 10929400 Patrick C. Clutter, IV State Bar No. 24036374 mikejones@potterminton.com patrickclutter@potterminton.com Potter Minton, P.C. 110 N. College Ave., Suite 500 Tyler, Texas 75702 Tel: (903) 597-8311 Fax: (903) 593-0846</p> <p>Charles B. Molster, III Virginia State Bar No. 23613 Thomas M. Dunham D.C. Bar No. 448407 Corrine M. Saylor</p>	<p><u>/s/ Jose L. Patiño</u> Jose L. Patiño (CA Bar No. 149568) jpatino@foley.com Christopher C. Bolten (CA Bar No. 268284) cbolten@foley.com Wendy W. Cheung (CA Bar No. 285802) wcheung@foley.com FOLEY & LARDNER LLP 3579 Valley Centre Drive, Suite 300 San Diego, CA 92130-3302 Telephone: 858.847.6700 Facsimile: 858.792.6773</p> <p>Cynthia J. Rigsby (WI Bar No. 1025479) crigsby@foley.com Michelle A. Moran (WI Bar No. 1073953) mmoran@foley.com FOLEY & LARDNER LLP 777 E. Milwaukee Avenue Milwaukee, WI 53202-2400</p>

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