

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

SIPCO, LLC, and IP CO, LLC
(d/b/a INTUS IQ),

Plaintiffs,

v.

Civil Action No. 6:15-cv-907

EMERSON ELECTRIC CO., EMERSON
PROCESS MANAGEMENT LLLP, FISHER-
ROSEMOUNT SYSTEMS, INC.,
ROSEMOUNT INC., BP, p.l.c., BP
AMERICA, INC., and BP AMERICA
PRODUCTION COMPANY,

Defendants.

**JOINT MOTION FOR AN EXTENSION OF TIME TO SERVE DISCLOSURES
AND PRODUCE ACCOMPANYING DOCUMENTS**

Plaintiffs SIPCO, LLC and IP Co, LLC (d/b/a INTUS IQ) (collectively “Plaintiffs” or “SIPCO”) and Defendants Emerson Electric Co., Emerson Process Management LLLP, Fisher-Rosemount Systems, Inc., Rosemount, Inc., BP America, Inc., and BP America Production Company (collectively “Defendants”)¹ hereby jointly move to extend the deadlines for service of disclosures and production of accompanying documents as set forth below:

- Date for Plaintiffs to serve disclosure of asserted claims and infringement contentions and to produce accompanying documents in accordance with P.R. 3-1 and 3-2 is extended from February 8, 2016 to February 29, 2016.
- Date for Defendants to serve invalidity contentions and to produce accompanying documents in accordance with P.R. 3-3 and 3-4 is extended from April 4, 2016 to May 16, 2016.

¹ Defendant BP, p.l.c. is a foreign entity. It has not been served with the First Amended Complaint. Plaintiffs are in the process of attempting to serve the First Amended Complaint abroad.

As grounds for this joint motion, the parties state as follows:

1. Plaintiffs filed the First Amended Complaint on December 30, 2015, which named four new Defendants and added one additional patent. [Dkt. No. 19].

2. Plaintiffs' lead attorneys participated in a two-week, out-of-state patent infringement trial in January, 2016. Preparation for the trial started in earnest in November 2015 and continued through the start of trial in January, 2016. The trial ended during the week of January 25, 2016.

3. Because Plaintiffs' counsel attended to trial preparations from November, 2015, to January, 2016, and participated in trial until the week of January 25, 2016, Plaintiffs respectfully submit that additional time is needed to prepare their disclosure of asserted claims and infringement contentions and to produce accompanying documents.

4. Plaintiffs requested, and Defendants assented to, a three-week extension of time for Plaintiffs to serve their disclosure of asserted claims and infringement contentions and to produce accompanying documents in accordance with P.R. 3-1 and 3-2.

5. Due to the large number of patents in this case, and the unknown number of claims that may be asserted, Defendants anticipate requiring additional time to prepare invalidity contentions and produce accompanying documents.

6. Defendants requested, and Plaintiffs assented to, a six-week extension of time for Defendants to serve their invalidity contentions and to produce accompanying documents in accordance with P.R. 3-3 and 3-4. The six-week extension takes into account the three weeks requested by Plaintiffs for their disclosure of asserted claims and infringement contentions, plus

an additional three weeks for Defendants to prepare their invalidity contentions and to produce accompanying documents.

7. The Scheduling Conference is set for February 22, 2016.

8. These extensions will not prejudice either party.

Wherefore, for the reasons set forth herein, the parties respectfully request the Court to Grant this motion and extend the deadlines for service of contentions and accompanying document production as follows:

- Date for Plaintiffs to serve disclosure of asserted claims and infringement contentions and to produce accompanying documents in accordance with P.R. 3-1 and 3-2 is extended from February 8, 2016 to February 29, 2016.
- Date for Defendants to serve invalidity contentions and to produce accompanying documents in accordance with P.R. 3-3 and 3-4 is extended from April 4, 2016 to May 16, 2016.

Dated: February 5, 2016

Respectfully Submitted,

/s/ Claire Abernathy Henry

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CERTIFICATE OF SERVICE

I, Claire Abernathy Henry, hereby certify that the foregoing document has been served upon all registered parties via EFC and has been mailed to those parties who are not registered.

/s/ Claire Abernathy Henry