

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 FILE PROPOSED DOCKET  
CONTROL ORDER AND PROPOSED DISCOVERY ORDER**

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”)<sup>1</sup> hereby jointly move for a one week extension of the deadline for filing the Proposed Docket Control Order and Proposed Discovery Order from March 7, 2016 to March 14, 2016. As grounds for this joint motion, the parties state as follows:

1. On February 22, 2016, the Honorable Rodney Gilstrap conducted a Scheduling Conference and issued a Sample Docket Control Order For Patent Cases Assigned To Judge Rodney Gilstrap (“Judge Gilstrap’s Sample Docket Control Order”). (Ex. A).

<sup>1</sup> Defendant BP, p.l.c. is a foreign entity. It has not been served with the First Amended Complaint. Plaintiffs’ counsel is working with counsel for BP America, Inc. and BP America Production Company regarding the status of BP, p.l.c. in this case.

2. On March 1, 2016, this cause was reassigned to the Honorable Robert W. Schroeder III. (Dkt. No. 55).

3. The parties are now in the process of incorporating as much of the matching dates and events as possible from Judge Gilstrap's Sample Docket Control Order into this Court's Sample Docket Control Order.

4. Some of the dates and events in Judge Gilstrap's Sample Docket Control Order, however, are difficult to translate to the dates and events in this Court's Sample Docket Control Order.

5. Because this cause was reassigned to this Court in close proximity to the March 7, 2016, due date for the filing of the Proposed Docket Control Order and Proposed Discovery Order, the parties respectfully submit that additional time is needed to perform this task, and to review, revise and complete this Court's Proposed Docket Control Order and Proposed Discovery Order.

6. Accordingly, the parties submit that good cause exists for a one week extension of time to file the Proposed Docket Control Order and Proposed Discovery Order, and respectfully request the Court to extend the deadline for filing same from March 7, 2016 to March 14, 2017.

7. Extending this deadline 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 deadline for filing the Proposed Docket Control Order and Proposed Discovery Order from March 7, 2016 to March 14, 2017.

Dated: March 4, 2016

Respectfully Submitted,

/s/ Paul J. Cronin by permission Claire A. Henry

Paul J. Cronin, Admitted July 16, 2012

LEAD ATTORNEY

(MA Bar No. 641230)

James C. Hall, Admitted April 9, 2012

(MA Bar No. 656019)

NUTTER MCCLENNEN & FISH LLP

155 Seaport Boulevard

Boston, Massachusetts 02210

Telephone: (617) 439-2000

Facsimile: (617) 310-9000

Email: [pcronin@nutter.com](mailto:pcronin@nutter.com)

Email: [jhall@nutter.com](mailto:jhall@nutter.com)

T. John Ward, Jr.

Texas State Bar No. 00794818

Email: [jw@wsfirm.com](mailto:jw@wsfirm.com)

Claire Abernathy Henry

Texas State Bar No. 24053063

Email: [claire@wsfirm.com](mailto:claire@wsfirm.com)

WARD, SMITH & HILL, PLLC

P.O. Box 1231

1127 Judson Road, Ste. 220

Longview, Texas 75606-1231

Telephone: (903) 757-6400

Facsimile: (903) 757-2323

***ATTORNEYS FOR PLAINTIFFS***

/s/ Melissa R. Smith by permission Claire A. Henry

Melissa R. Smith

State Bar No. 24001351

GILLAM & SMITH, LLP

303 South Washington Avenue

Marshall, Texas 75670

Telephone: (903) 934-8450

Facsimile: (903) 934-9257

Email: [melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com)

Donald L. Jackson

James D. Berquist

J. Scott Davidson

DAVIDSON BERQUIST JACKSON &

GOWDEY, LLP

8300 Greensboro Dr., Suite 500  
McLean, VA 22102

***ATTORNEYS FOR DEFENDANTS***

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email on this the 4<sup>th</sup> day of March, 2016.

/s/ Claire Abernathy Henry