

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MOBILEMEDIA IDEAS, LLC,

Plaintiff,

v.

RESEARCH IN MOTION LIMITED
et al.,

Defendants.

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Civil Action No. 3:11-CV-2353-N

ORDER

This Order addresses Plaintiff MobileMedia Ideas LLC's ("MMI") motion to sever or stay [369] and Defendants Research in Motion Limited and Research in Motion Corporation (collectively, "RIM") motion to exceed the summary judgment page limit [401]. The Court denies MMI's motion and grants RIM's motion.

This case initially involved sixteen of MMI's patents. The Court has previously stayed MMI's claims based on six of those patents because MMI's claims were referable to arbitration. MMI has now apparently agreed to dismiss claims regarding two of the remaining ten patents with prejudice. *See* Def.'s Opposed Mot. Exceed Summ. J. Page Limit 1 n.1. Of the eight remaining patents, MMI seeks to stay or sever claims regarding some of

the remaining patents¹ to pare the case down for remaining discovery and for trial. The Court denies MMI's requested relief.

The Court will grant MMI only one trial on the remaining eight patents. While the Court is sympathetic to MMI's desire to narrow the issues for trial, MMI was master of its complaint and chose which patents to assert. The Court recognizes that a trial including all eight patents places burdens on both parties' counsel to make the case comprehensible to a jury, but this is a burden MMI placed on itself by alleging infringement of fifteen different patents in one suit.² Further, the Court has allotted two weeks for the trial, enough time to assert all eight patents if MMI chooses to do so. Finally, MMI has not indicated why – other than concerns about jury confusion – some patents should be tried first and others tried later. To that end, the Court is generally uncomfortable with allowing MMI to pick and choose patents to try in the December trial, while maintaining its claims on the remaining patents should the December trial yield an unfavorable result. Thus, although the Court acts within its discretion in severing or staying the patent claims, the Court elects not to do so.

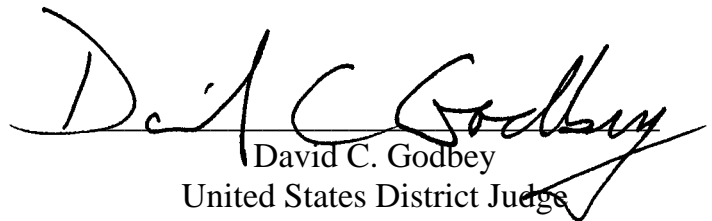
The Court still encourages MMI to narrow the patents and claims for trial. The Court directs MMI to inform RIM and the Court on or before August 27, 2013 which patents MMI intends to assert. The Court will dismiss with prejudice any claims based on any patents not

¹MMI's initial motion requested a stay or severance of five patents. MMI files this motion before it apparently agreed to dismiss two of the patents. The Court assumes that MMI now seeks to stay or sever claims regarding three of the eight remaining patents.

²RIM is apparently comfortable with such a burden by failing to agree to narrow the scope of the litigation further.

asserted or previously stayed. The Court also grants RIM's motion to exceed the summary judgment page limit and grants RIM leave to file an 80-page summary judgment brief. Should MMI narrow its asserted patents, however, the Court grants RIM leave to file only 10 pages of briefing per patent asserted. MMI may file a response of equal length. The Court also allows RIM's requested 35 page summary judgment reply.

Signed August 16, 2013.


David C. Godbey
United States District Judge