

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

SAMSUNG ELECTRONICS CO., LTD., and  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

Plaintiffs,

v.

NVIDIA CORPORATION, OLD MICRO,  
INC. F/K/A VELOCITY MICRO, INC., AND  
VELOCITY HOLDINGS, LLC

Defendants.

CIVIL ACTION NO. 3:14-cv-00757-REP

JURY TRIAL DEMANDED

**PARTIES' REVISED PROPOSED PRE-TRIAL SCHEDULE**

Pursuant to the Pretrial Conference held on April 15, 2015 and the Court's Order (Dkt. No. 85), Plaintiffs Samsung Electronics Co., Ltd. and Samsung Electronics America Inc. (collectively, "Samsung") and Defendants NVIDIA Corporation, Old Micro, Inc. f/k/a Velocity Micro, Inc., and Velocity Holdings, LLC (collectively, "Defendants"), by counsel, jointly submit the Parties' Revised Proposed Pre-Trial Schedules.

The parties submit an agreed schedule for Samsung's patent infringement claims against NVIDIA. That schedule is attached as Exhibit A.

The parties also submit separate proposed pre-trial schedules and trial dates for NVIDIA's patent infringement counterclaims against Samsung. Those separate proposals are shown in Exhibit B, which includes the agreed dates for Samsung's infringement claims that are also in Exhibit A, along with the parties' proposed schedules for NVIDIA's counterclaims of

infringement against Samsung. The parties' separate proposed pre-trial schedules and trial dates for NVIDIA's patent infringement counterclaims against Samsung are attached as Exhibit C.

The parties' respective positions on the appropriate pre-trial schedule for NVIDIA's counterclaims are as follows:

**NVIDIA's Position**

On April 6, 2015, the parties conducted a Rule 26(f) Conference. In its initial scheduling order, the Court set the deadline for amending pleadings for April 10, 2015. The parties agreed to a short extension of this date to April 15, 2015 for NVIDIA to file its counterclaims. On April 14, 2014, NVIDIA filed its counterclaims. Accordingly, NVIDIA's counterclaims were timely included in this case pursuant to the Court's initial scheduling order. NVIDIA has agreed to proceed under the agreed-upon schedule with respect to its initial obligations as Counterclaim Plaintiff, such as the service of initial infringement contentions, and has agreed to provide Samsung with additional time to respond to NVIDIA's counterclaims. Thus, for its patent infringement counterclaims, NVIDIA proposes that it serve its infringement contentions on April 21 (the same date that Samsung's infringement contentions are due) and simultaneously (and one month early) provide its first asserted claim selection of 48 asserted claims.<sup>1</sup> Samsung will then have one month, until May 22, to provide its invalidity contentions based on NVIDIA's narrowed selection of claims. Under NVIDIA's proposed schedule, the remainder of the *Markman* proceedings for NVIDIA's counterclaims will proceed two weeks after the schedule for Samsung's claims, allowing NVIDIA's patent infringement counterclaims against Samsung

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<sup>1</sup> Samsung proposes that NVIDIA limit its first asserted claim selection to 32 claims and that NVIDIA limit its second asserted claim selection to 16 claims. NVIDIA will agree to those limits (without any limit per patents) if those limits apply to both parties so that Samsung is likewise limited to a first asserted claim selection of 32 claims and a second asserted claim selection of 16 claims.

be tried together with Samsung's claims against Defendants in a single proceeding or promptly thereafter in a second trial, as it pleases the Court.

### **Samsung's Position**

NVIDIA filed its motion to add counterclaims on April 14, 2015, alleging infringement of 47 claims in four patents. By Court order, Samsung will file its motion to sever the counterclaims on April 24, 2015; Defendants will file their response by May 8, 2015; and Samsung will file its reply on May 15, 2015. Dkt. No. 85. While Samsung is glad to propose a schedule for resolving NVIDIA's claims against Samsung, Samsung believes that entering such a schedule at this time is premature. The Court requested briefing on the issue of severance, and that briefing will be completed on May 15, 2015. Samsung believes that the parties should revisit the scheduling issues related to NVIDIA's counterclaims following a decision on the motion to sever. If the Court is inclined to consider scheduling issues related to NVIDIA's counterclaims against Samsung now, Samsung proposes that it answer (or otherwise respond to) NVIDIA's counterclaims on May 21, 2015 (5 weeks after NVIDIA filed its counterclaims).<sup>2</sup> Samsung proposes that it will provide initial disclosures within one week following its response to the counterclaims (6 weeks after the counterclaims were filed), and it will produce documents sufficient to show the operation of the accused instrumentalities (to the extent Samsung has such documents) less than four weeks thereafter (and less than 10 weeks after the counterclaims were filed). Under Samsung's proposal, it will then provide invalidity contentions one week later (on July 1, 2015). Samsung's proposed schedule has trial set for just under one year from the date that NVIDIA filed its counterclaims against Samsung.

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<sup>2</sup> NVIDIA has agreed to this extension, and the parties will submit an agreed motion and proposed order providing for the extension.

April 21, 2015

Respectfully submitted,

SAMSUNG ELECTRONICS CO., LTD.  
SAMSUNG ELECTRONICS AMERICA, INC.  
By Counsel

/s/ Robert W. McFarland

Robert W. McFarland (VSB No. 24021)  
Sarah K. McConaughy (VSB No. 80674)  
McGuireWoods LLP  
101 W. Main Street, Suite 9000  
Norfolk, Virginia 23510  
Telephone: (757) 640-3716  
E-mail: [rmcfarland@mcguirewoods.com](mailto:rmcfarland@mcguirewoods.com)  
E-mail: [smcconaughey@mcguirewoods.com](mailto:smcconaughey@mcguirewoods.com)

Brian C. Riopelle (VSB No. 36454)  
McGuireWoods LLP  
One James Center 901 E. Cary Street  
Richmond, VA 23219  
Telephone: (804) 775-1084  
E-mail: [briopelle@mcguirewoods.com](mailto:briopelle@mcguirewoods.com)

Darin W. Snyder (*Pro Hac Vice*)  
Alexander B. Parker (*Pro Hac Vice*)  
Elysa Q. Wan (*Pro Hac Vice*)  
O'Melveny & Myers LLP  
Two Embarcadero Center, 28th Floor  
San Francisco, CA 94111  
E-mail: [dsnyder@omm.com](mailto:dsnyder@omm.com)  
E-mail: [aparker@omm.com](mailto:aparker@omm.com)  
E-mail: [ewan@omm.com](mailto:ewan@omm.com)

Vision L. Winter (*Pro Hac Vice*)  
Ryan K. Yagura (*Pro Hac Vice*)  
Michael A. Koplow (*Pro Hac Vice*)  
O'Melveny & Myers LLP  
400 South Hope Street, 18th Floor  
Los Angeles, CA 90071  
E-mail: [vwinter@omm.com](mailto:vwinter@omm.com)  
E-mail: [ryagura@omm.com](mailto:ryagura@omm.com)  
E-mail: [mkoplow@omm.com](mailto:mkoplow@omm.com)

*Attorneys for PLAINTIFFS Samsung Electronics  
Co., Ltd. and Samsung Electronics America, Inc.*

April 21, 2015

NVIDIA CORPORATION, OLD MICRO, INC.  
F/K/A VELOCITY MICRO, INC., AND  
VELOCITY HOLDINGS, LLC  
By Counsel

/s/ Dabney J. Carr

Dabney J. Carr, IV, VSB No. 28679  
dabney.carr@troutmansanders.com  
Robert A. Angle, VSB No. 37691  
robert.angle@troutmansanders.com  
TROUTMAN SANDERS LLP  
1001 Haxall Point Richmond, VA 23219  
Telephone: (804) 697-1200

Maximilian A. Grant (*pro hac vice*)  
max.grant@lw.com  
LATHAM & WATKINS LLP  
555 Eleventh Street, N.W., Ste. 1000  
Washington, DC 20004  
Tel: (202) 637-2200; Fax: (202) 637-2201

Clement J. Naples (*pro hac vice*)  
clement.naples@lw.com  
LATHAM & WATKINS LLP  
885 Third Avenue  
New York, NY 10022-4834  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864

*Counsel for NVIDIA Corporation, Old Micro, Inc.  
f/k/a Velocity Micro, Inc., and Velocity Holdings,  
LLC*

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