

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CANON, INC.,

Plaintiff,

vs.

TCL ELECTRONICS HOLDINGS
LTD., et al.

Defendants.

Civil Action No. 2:18-cv-00546-JRG

JURY TRIAL DEMANDED

**JOINT MOTION TO AMEND
THE THIRD AMENDED DOCKET CONTROL ORDER**

Plaintiff Canon, Inc. (“Canon”) and Defendants TCL Electronics Holdings Ltd., TCL Corporation, Shenzhen TCL New Technologies Co., Ltd., and TCL King Electrical Appliances (Huizhou) Co., Ltd. (collectively, “Defendants”) submit this Joint Motion to Amend the Third Amended Docket Control Order. The parties have met and conferred and agree that a brief extension of all remaining deadlines is necessary due to, among other things, the coronavirus (“COVID-19”) outbreak and travel restrictions placed upon parties, third-parties, and counsel.

Good cause exists to extend these deadlines because of the restrictions placed upon parties, third-parties, and counsel. Specifically, as discussed with this Court numerous times, the parties have diligently investigated options for depositions of Defendants’ China-based witnesses and Canon’s Japan-based witnesses, but have identified no feasible options to complete all of the necessary depositions before the current discovery deadlines. For example, Japan has been in a state of emergency since April 7, 2020—and Tokyo and Osaka remain under a state of emergency.¹

¹ <https://www.bbc.com/news/world-asia-52658551?linkId=88637800> (last accessed May 15, 2020).

Depositions in Japan must occur at either the Tokyo or Osaka U.S. Embassy or Consulate, but these locations are currently “[n]ot taking new reservations until further notice.”² Moreover, in Japan, testimony by telephone is not permitted and video conferencing is currently not available.³ In China, live and remote depositions are prohibited, and destination countries for depositions in the area impose entry travel bans or restrictions.⁴ While the parties have worked diligently to continue discovery and schedule depositions, the COVID-19 restrictions have made it impracticable for the parties to complete discovery needed to try this case in September. As such, good cause exists to amend the docket control order so that the parties may “effectively prosecute this case.” *Optis Wireless Tech., LLC*, Dkt. No. 120 at 2; *Saint Lawrence Commc’ns LLC v. Amazon.com, Inc.*, No. 2:19-CV-00027-JRG, Dkt. No. 81 (E.D. Tex. March 19, 2020) (granting 30-day continuance and finding good cause in view of new governmental/public health restrictions in response to COVID-19).

For the foregoing reasons, the Parties respectfully request the Court modify the docket control order as follows:

Current Deadline	Amended Deadline	Event
September 14, 2020	At the Court’s convenience in November 2020	* Jury Selection - 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
August 27, 2020	At the Court’s convenience in late October/November 2020	* Pretrial Conference - 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
August 3, 2020	October 19, 2020	*Notify Deputy Clerk in Charge regarding the date and time by which juror questionnaires shall be presented to accompany by jury summons if the Parties desire to avail themselves the benefit of using juror questionnaires

² <https://jp.usembassy.gov/u-s-citizen-services/attorneys/depositions-in-japan/#ava> (last accessed May 15, 2020).

³ *Id.*

⁴ <https://www.info.gov.hk/gia/general/202004/06/P2020040600671.htm> (last accessed May 15, 2020).

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Current Deadline	Amended Deadline	Event
August 3, 2020	October 19, 2020	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
August 3, 2020	October 19, 2020	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
July 27, 2020	October 12, 2020	*File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.
August 10, 2020	October 12, 2020	File Motions <i>in Limine</i> The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
August 10, 2020	October 12, 2020	Serve Objections to Rebuttal Pretrial Disclosures
August 3, 2020	October 5, 2020	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
July 20, 2020	September 21, 2020	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
July 13, 2020	September 14, 2020	*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. ² Motions for Summary Judgment shall comply with Local Rule CV-56.
June 29, 2020	September 2, 2020	*File Motions to Strike Expert Testimony (including <i>Daubert</i>

Current Deadline	Amended Deadline	Event
		Motions) No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
June 29, 2020	September 2, 2020	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.
June 22, 2020	August 28, 2020	Deadline to Complete Expert Discovery
June 15, 2020	August 14, 2020	Serve Disclosures for Rebuttal Expert Witnesses
June 22, 2020	July 24, 2020	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
May 25, 2020	July 24, 2020	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof

/s/ Harry L. Gillam Jr. (w/ permission)

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