

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

UNILOC USA, INC., *ET AL.*

Plaintiffs,

V.

MOTOROLA MOBILITY LLC

SNAP, INC.

HTC AMERICA, INC.

LG ELECTRONICS U.S.A., INC.,

LG ELECTRONICS, INC., and

LG ELECTRONICS

MOBILECOMM USA, INC.,

ZTE (USA), INC. ET AL.

HUAWEI DEVICE USA INC. ET AL.,

Defendants.

**Case No. 2:16-cv-00992-JRG**

**LEAD CASE**

2:16-cv-00696-JRG

2:16-cv-00989-JRG

2:16-cv-00991-JRG

2:16-cv-00993-JRG

2:16-cv-00994-JRG

**DEFENDANTS' OPPOSED MOTION TO AMEND THE DOCKET CONTROL ORDER**

Upon consolidating defendants LG Electronics U.S.A., Inc., LG Electronics, Inc., and LG Electronics MobileComm USA, Inc. (collectively, "LG") in this ongoing consolidated case, the Court instructed the parties "to meet and confer to determine whether the docket control order . . . warrant[s] further amendment because of the new consolidation." (Dkt. 130 at 1.) Pursuant to that instruction, Defendants<sup>1</sup> seek to amend the following dates in the current Docket Control Order (Dkt. No. 95):

<sup>1</sup> Motorola Mobility LLC ("Motorola"); Snap, Inc. ("Snap"); HTC America, Inc. ("HTC"); ZTE (USA), Inc. and ZTE (TX), Inc. ("ZTE"); and Huawei Device USA, Inc. and Huawei Device Co., Ltd. ("Huawei"). LG, together with Motorola, Snap, HTC, ZTE, and Huawei are, collectively, "Defendants."

<b>ORIGINAL DATE</b>	<b>PROPOSED DATE</b>	
November 17, 2017	December 8, 2017	Deadline to Complete Mediation  The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation.
October 20, 2017	November 17, 2017	*Claim Construction Hearing – 1:30 p.m. in Marshall, Texas before Judge Rodney Gilstrap
October 6, 2017	November 3, 2017	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
September 29, 2017	October 30, 2017	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
September 22, 2017	October 23, 2017	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
August 25, 2017	September 25, 2017	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)  Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
August 18, 2017	September 18, 2017	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
July 28, 2017	August 25, 2017	Comply with P.R. 4-3 (Joint Claim Construction Statement)
June 30, 2017	July 28, 2017	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
June 9, 2017	July 7, 2017	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)

Defendants respectfully submit that a brief extension of approximately one month for the claim construction deadlines will allow all defendants in this consolidated action – including LG – adequately to consult and fully prepare the joint claim construction submissions required. In order to accommodate this adjustment without unreasonably burdening the parties and their counsel, the requested amendment also extends to the deadlines for the claim construction hearing and other deadlines for which good cause is required. Defendants believe that LG’s recent consolidation in this ongoing action constitutes good cause for amendment.

While Defendants seek modification of the Court’s deadline to complete mediation to allow for claim construction proceedings to inform the mediation, Defendants do not seek

modification of any subsequent deadlines. Thus, the deadlines to complete fact and expert discovery, serve expert disclosures, and file dispositive motions, as well as the dates of the pretrial conference and jury selection, would remain unchanged. For at least this reason, Plaintiffs would not be prejudiced by the requested amendment.<sup>2</sup>

Finally, Defendants are aware of the following unconsolidated pending cases involving the same patents-in-suit:

*Uniloc USA, Inc. v. Google, Inc.*, Case No. 2:17-cv-00214

*Uniloc USA, Inc. v. Google, Inc.*, Case No. 2:17-cv-00224

*Uniloc USA, Inc. v. Google, Inc.*, Case No. 2:17-cv-00231

*Uniloc USA, Inc. v. Kik Interactive, Inc.*, Case No. 2:17-cv-00347

*Uniloc USA, Inc. v. Hike Ltd.*, Case No. 2:17-cv-00349

All these cases appear to be in their early stages. Therefore, should the Court consolidate these with the instant litigation, a further extension—beyond the schedule Defendants now seek—will be necessary.

Accordingly, Defendants respectfully request that the Court amend the Docket Control Order as set forth above and in their proposed order.

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<sup>2</sup> Plaintiffs did not identify any potential prejudice in opposing this amendment.

Dated: May 18, 2017

/s/ Robert W. Unikel

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