

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,**

Plaintiff,

v.

ZTE CORPORATION,

Defendant.

**Civil Action No.: 6:20-cv-00487-ADA
Civil Action No.: 6:20-cv-00488-ADA
Civil Action No.: 6:20-cv-00489-ADA
Civil Action No.: 6:20-cv-00490-ADA
Civil Action No.: 6:20-cv-00491-ADA
Civil Action No.: 6:20-cv-00493-ADA
Civil Action No.: 6:20-cv-00494-ADA
Civil Action No.: 6:20-cv-00495-ADA
Civil Action No.: 6:20-cv-00496-ADA
Civil Action No.: 6:20-cv-00497-ADA**

JURY TRIAL DEMANDED

ORDER REGARDING DISCOVERY DISPUTES

This Court, having considered the disputes raised by Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Brazos”) and Defendant ZTE Corporation (“Defendant”) (collectively, “Parties”) during the December 1, 2022, Discovery Hearing, hereby ORDERS the following:

1. Case No. 6:20-cv-00496 is stayed for all purposes through December 19, 2022, by which time Plaintiff will have filed a notice of appeal in the related *inter partes* review (IPR2021-00699 regarding U.S. Patent No. 7,742,534) or let that time to appeal expire. On December 19, 2022, by 5:00 p.m. Central Time, Plaintiff shall either file (1) an agreed or opposed motion to amend the scheduling order for that case, or (2) a motion to dismiss that case

2. In light of the Patent and Trial Appeal Board’s Final Written Decision on IPR2021-00696, all deadlines and discovery in Case No. 6:20-cv-00490 are stayed except for resolution of Plaintiff’s Opposed Motion to Dismiss (ECF No. 262)

3. Case No. 6:20-cv-00490 is stayed in light of the Patent and Trial Appeal Board’s Final Written Decision on IPR2021-00696 (U.S. Patent No. 8,179,960) determining all challenged claims unpatentable.

4. As for the remaining above-captioned cases, they will proceed with the schedules as stated according to the following groupings:

- a. First Group: Case No. 6:20-cv-00491;
- b. Second Group: Case Nos. 6:20-cv-00488, -493, and -497; and
- c. Third Group: Case Nos. 6:20-cv-00487, -489, -494, and -495.

5. The schedule for the First Group (Case No. 6:20-cv-00491) is amended as follows:

Event	Previous Deadline	Amended Deadline
Rebuttal Expert Reports	December 19, 2022	February 2, 2023
Close of Expert Discovery	January 2, 2023	February 10, 2023
Deadline for the second of two meet and confers to discuss narrowing the number of specific claims asserted and specific prior art references to be asserted to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court’s Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 7 business days regarding the results of the meet and confer.	January 9, 2023	February 13, 2022
Joint Report	January 16, 2023	February 14, 2022

6. The Court will enter the Amended Scheduling Order attached hereto as **Exhibit 1**.

SIGNED this 9th day of December, 2022.



DEREK GILLILAND
UNITED STATES MAGISTRATE JUDGE

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
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**WSOU INVESTMENTS, LLC d/b/a
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Civil Action No.: 6:20-cv-00494-ADA
Civil Action No.: 6:20-cv-00495-ADA
Civil Action No.: 6:20-cv-00496-ADA
Civil Action No.: 6:20-cv-00497-ADA**

JURY TRIAL DEMANDED

AMENDED SCHEDULING ORDER^[1,2]

Event	1 st Trial Deadlines (Case No. 490, ³ 491)	2 nd Trial Deadlines (Case Nos. 488, 493, ⁴ 496, ⁵ 497]	3 rd Trial Deadlines (Case Nos. 487, 489, 494, 495)
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¹ [**Defendant's Proposal**]: Case No. 6:20-cv-00490 is administratively stayed in light of the Patent and Trial Appeal Board's Final Written Decision on IPR2021-00696 (U.S. Patent No. 8,179,960) determining all challenged claims unpatentable.]

² [**Defendant's Proposal**]: Case No. 6:20-cv-00496 is administratively stayed in light of the Patent and Trial Appeal Board's Final Written Decision on IPR2021-00699 (U.S. Patent No. 7,742,534) determining all challenged claims unpatentable, and the United States Patent and Trademark Office granted *ex parte* reexamination in App. No. 90/019,106.]

³ [**Plaintiff's Proposal**]: Discovery on Case No. 6:20-cv-00490 is stayed in light of the Patent and Trial Appeal Board's Final Written Decision on IPR2021-00696 (U.S. Patent No. 8,179,960) determining all challenged claims unpatentable. On December 1, 2022, Plaintiff filed an Opposed Motion to Dismiss under Rule 41(a)(2) (ECF No. 262); the briefing is expected to be complete on December 22, 2022.]

⁴ [**Defendant's Proposal**]: Case No. 6:20-cv-00493 will administratively proceed with the second trial deadlines but it remains apart for purposes of trial.]

⁵ [**Plaintiff's Proposal**]: Discovery on Case No. 6:20-cv-00496 is stayed through December 19, 2022, after Brazos's time to file a notice of appeal of the Patent and Trial Appeal Board's Final Written Decision on IPR2021-00699 (U.S. Patent No. 7,742,534) expires on December 16, 2022.

Close of Fact Discovery.	December 23, 2022 The parties agree that fact discovery remains open so (1) both parties may complete outstanding third-party discovery and (2) both parties may complete respective depositions previously noticed.	December 23, 2022 The parties agree that fact discovery remains open so (1) both parties may complete outstanding third-party discovery and (2) both parties may complete respective depositions previously noticed.	December 23, 2022 The parties agree that fact discovery remains open so (1) both parties may complete outstanding third-party discovery and (2) both parties may complete respective depositions previously noticed.
Opening Expert Reports.	January 12, 2023	February 23, 2023	April 18, 2023
Rebuttal Expert Reports.	February 2, 2023	March 23, 2023	May 16, 2023
Close of Expert Discovery.	February 10, 2023	March 31, 2023	May 26, 2023
Deadline for the second of two meet and confers to discuss narrowing the number of specific claims asserted and specific prior art references to be asserted to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 7 business days regarding the results of the meet and confer.	February 13, 2022	April 3, 2023	May 29, 2023
Joint Report	February 14, 2022	April 10, 2023	June 5, 2023
Dispositive motion deadline and <i>Daubert</i> motion deadline.	February 16, 2023	April 27, 2023	June 20, 2023
Oppositions to dispositive motion deadline and <i>Daubert</i> motion deadline.	March 2, 2023	May 11, 2023	July 11, 2023
Replies to dispositive motion deadline and <i>Daubert</i> motion deadline.	March 9, 2023	May 18, 2023	July 25, 2023

On December 19, 2022, (1) the parties shall file a motion to amend this scheduling order (should Plaintiff exercise its right to appeal), or (2) Plaintiff shall dismiss this case (should Plaintiff decide not to appeal).]

Serve Pretrial Disclosures (jury instructions, exhibit lists, witness lists, discovery and deposition designations).	March 16, 2023	May 25, 2023	August 9, 2023
Serve objections to pretrial disclosures/rebuttal disclosures.	March 23, 2023	June 1, 2023	August 16, 2023
Serve objections to rebuttal disclosures and file motions <i>in limine</i> .	March 30, 2023	June 8, 2023	August 23, 2023
File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibit lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .	April 6, 2023	June 15, 2023	September 6, 2023
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, Kristie Davis at kmdaviscsr@yahoo.com. Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .	April 7, 2023	June 17, 2023	September 13, 2023
File joint notice identifying remaining objections to pretrial disclosures and disputes on motion <i>in limine</i> .	April 10, 2023	June 22, 2023	September 20, 2023
First Final Pretrial Conference.	April 13, 2023		
Jury Selection / 1st Trial.	April 24, 2023		
Second Final Pretrial Conference.		June 27, 2023	
Jury Selection / 2nd Trial,		July 11, 2023	
Third Final Pretrial Conference.			October 4, 2023
Jury Selection / 3rd Trial.			October 11, 2023

SIGNED this ____ day of _____ 2022.

DEREK GILLILAND
UNITED STATES MAGISTRATE JUDGE