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18 **UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA**

20 HEADWATER RESEARCH LLC,  
 21

22 Plaintiff,

23 v.

24 GOOGLE LLC,  
 25

26 Defendant.

Case No. 3:26-CV-01460-AMO

**JOINT CASE MANAGEMENT  
 STATEMENT**

Conference Date: April 30, 2026  
 Time: 10:00 a.m.  
 Place: Courtroom 10  
 Judge: Hon. Araceli Martínez-Olguín

1 Pursuant to the Court’s March 6, 2026 Notice (Dkt. 97), Federal Rule of Civil  
2 Procedure 26(f), Civil Local Rule 16-9, Patent Local Rule 2-1(b), and the Standing Order for All  
3 Judges of the Northern District of California, Plaintiff Headwater Research LLC (“Plaintiff” or  
4 “Headwater”) and Defendant Google LLC (“Defendant” or “Google”) (collectively, the “parties”)  
5 respectfully submit this Joint Case Management Statement.

6 **I. JURISDICTION AND SERVICE**

7 This is an action for patent infringement under the Patent Laws of the United States, 35  
8 U.S.C. § 1 et seq. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331  
9 and 1338(a). Google has been served.

10 Jurisdiction is not disputed as to the claims presently in this case. Google has a pending  
11 Motion for Leave to Amend its Answer to add counterclaims seeking declaratory judgment of  
12 noninfringement as to two additional Headwater patents. Dkt. 99 (“Motion to Amend”). Headwater  
13 has opposed that motion, disputing personal jurisdiction as to the proposed new counterclaims.  
14 Dkt. 103. Google maintains that this Court has personal jurisdiction over Headwater for all  
15 purposes, including with respect to Google’s proposed counterclaims. Dkt. 108.

16 **II. FACTS**

17 On May 16, 2025, Headwater filed the Complaint initiating this action against Google,  
18 alleging infringement of U.S. Patent Nos. 9,615,192 (“’192 patent”) and 10,321,320 (“’320  
19 patent”) (collectively, the “Asserted Patents”) by Google’s Firebase Cloud Messaging service. *See*  
20 Dkt. 1 ¶ 1. This case was originally filed in the Western District of Texas as Case No. 7:25-cv-  
21 00231-DC-DTG and was transferred to this Court on February 26, 2026, following a contested  
22 motion to transfer under 28 U.S.C. § 1404(a).

23 Prior to transfer, the parties completed certain discovery relating to Google’s motion to  
24 transfer and completed briefing on claim construction. The Western District of Texas court  
25 transferred this action prior to holding a *Markman* hearing.

26 After the transfer, Google filed a Motion to Amend its Answer for the first time to add  
27 counterclaims for declaratory judgment of noninfringement of Headwater’s U.S. Patent Nos.  
28

1 9,232,403 (the “403 patent”) and 9,491,564 (the “564 patent”) (collectively, “Counterclaim  
2 Patents”).

3 The parties anticipate that there will be several factual disputes that stem from each of the  
4 legal issues identified in **Section III** below.

5 **III. LEGAL ISSUES**

6 A legal issue currently in dispute is whether the Court should grant Google’s request to add  
7 counterclaims seeking declaratory judgment of non-infringement as to the Counterclaim Patents.

8 As the case progresses, and depending on the resolution of Google’s Motion to Amend, the  
9 primary disputed legal issues are expected to be:

- 10 i. Construction of the asserted claims of the Asserted Patents;
- 11 ii. Whether any claims of the Asserted Patents are invalid and unenforceable  
12 pursuant to 35 U.S.C. §§ 101, 102, 103, and 112;
- 13 iii. Whether Google directly infringes one or more claims of the Asserted Patents and  
14 the Counterclaim Patents under 35 U.S.C. § 271(a), and/or indirectly infringes  
15 one or more claims of the Asserted Patents and the Counterclaim Patents under  
16 35 U.S.C. §§ 271(b) or (c), either directly or under the doctrine of equivalents;
- 17 iv. Whether Google has willfully infringed any asserted claim of any Asserted  
18 Patent;
- 19 v. Whether Headwater’s claims are barred by equitable doctrines of laches, estoppel,  
20 and/or unclean hands;
- 21 vi. Whether Headwater’s claims are barred by the doctrines of license, implied  
22 license, and/or exhaustion;
- 23 vii. Whether Headwater claims are barred by the doctrine of prosecution history  
24 estoppel;
- 25 viii. Whether Headwater has standing to assert the Asserted Patents;
- 26 ix. Whether Headwater is entitled to and the extent of damages and/or other relief (if  
27 any); and

1 x. Whether any party is entitled to attorneys' fees and costs pursuant to 35 U.S.C.  
2 § 285.

3 **IV. MOTIONS**

4 **A. Prior and Pending Motions**

5 On July 28, 2025, Google filed a Rule 12(b)(6) motion seeking partial dismissal as to certain  
6 aspects of Headwater's claims of willfulness and indirect infringement. Dkt. 26. Headwater filed  
7 an Amended Complaint mooting that motion. Dkt. 28.

8 On August 25, 2025, Google re-filed its Rule 12(b)(6) motion seeking partial dismissal as  
9 to certain aspects of Headwater's claims of willfulness and indirect infringement. Dkt. 32.  
10 Headwater opposed, and Google filed a reply. Dkts. 36, 42. Headwater filed a notice of  
11 supplemental authority regarding the motion, and Google filed a response thereto. Dkts. 47, 49.  
12 This motion (Dkt. 32) is pending. Because the motion was originally filed in the Western District  
13 of Texas, no hearing date was noticed. Prior to re-noticing the motion for a hearing date in  
14 accordance with the Court's Weekly Court Calendar Schedule, Google respectfully requests the  
15 Court's guidance regarding whether the parties should update their briefs to reflect this District's  
16 precedent given that the case was transferred from the Western District of Texas after briefing  
17 closed.

18 On September 4, 2025, Google filed a contested motion to transfer this action from the  
19 Western District of Texas to this forum, which was granted on February 18, 2026. Dkt. 33-1, 83.  
20 The transfer order also denied Headwater's related motion to strike certain reply evidence  
21 submitted by Google. Dkt. 67, 83.

22 On February 13, 2026, while this case was still pending in the Western District of Texas,  
23 Google filed a motion to consolidate this action with two other cases between the parties in that  
24 district: (1) *Headwater Research LLC v. Google LLC*, No. 7:25-cv-00367-DC-DTG (W.D. Tex.),  
25 and (2) *Headwater Research LLC v. Google LLC*, No. 7:25-cv-00369-DC-DTG (W.D. Tex.). Dkt.  
26 81. Headwater opposed, and Google filed a reply. Dkts. 86, 88. Given that the Western District of  
27 Texas transferred this action to the Northern District of California, this motion (Dkt. 81) is moot.  
28

1 Google notes that after this action was transferred on February 18, 2026, Headwater did not object  
2 to the Magistrate Judge’s order by March 4, 2026 per Federal Rules of Civil Procedure 72.

3 On March 26, 2026, Google filed a motion for leave to file an amended answer and  
4 counterclaims. Dkt. 99. Headwater opposed, and Google filed a reply. Dkts. 103, 108. This motion  
5 (Dkt. 99) is pending and hearing is set for June 25, 2026.

6 On April 21, 2026, Google filed an unopposed administrative motion to conduct the April  
7 30, 2026 initial case management conference virtually. Dkt. 109. This motion is pending.

8 **B. Anticipated Motions**

9 The parties anticipate filing a motion for a protective order governing the confidentiality of  
10 information and the review of source code in this matter, as well as a joint motion for an order  
11 governing the treatment of electronically stored information (ESI) in discovery.

12 The parties further anticipate future summary judgment motions to narrow issues before  
13 trial. Both parties may file other dispositive and non-dispositive motions as the case progresses.

14 The parties also anticipate that discovery motions may be filed but hope to resolve discovery  
15 disputes without judicial intervention.

16 **V. AMENDMENT OF PLEADINGS**

17 On March 26, 2026, Google filed a motion for leave to file an amended answer and  
18 counterclaims. Dkt. 99. Headwater opposed, and Google filed a reply. Dkts. 103, 108. This motion  
19 (Dkt. 99) is pending.

20 **VI. EVIDENCE PRESERVATION**

21 The parties have reviewed this Court’s Guidelines Relating to the Discovery of  
22 Electronically Stored Information and have met and conferred pursuant to Rule 26(f) regarding  
23 reasonable and proportionate steps to preserve evidence relevant to the issues evident in the  
24 case. The parties are aware of their obligations and have taken reasonable steps to preserve  
25 potentially relevant evidence.

26 **VII. DISCLOSURES**

27 Google and Headwater have served their Federal Rule of Civil Procedure 26(a) initial  
28

1 disclosures. The parties will supplement initial disclosures as necessary, consistent with Rule  
2 26(e).

### 3 **VIII. DISCOVERY**

#### 4 **A. Discovery Taken to Date**

5 The parties served their initial disclosures on February 24, 2026, pursuant to Fed. R. Civ.  
6 P. 26(f)(3)(A). The parties conducted certain written and deposition discovery in relation to  
7 Google's motion to transfer this action. No other discovery has been conducted following transfer  
8 of this action.

9 The parties note that in prior Headwater cases against other defendants, Google has  
10 participated as a third party, including by providing documents and deposition testimony in  
11 response to subpoenas and by giving live testimony at one of Headwater's prior jury trials. The  
12 parties anticipate being able to re-use at least some of that prior discovery/testimony here to help  
13 make discovery more efficient.

#### 14 **B. Scope of Anticipated Discovery**

15 The parties agree that discovery should not be conducted in phases or limited to any  
16 particular issues.

17 The parties anticipate that the scope of discovery will be set by the factual and legal issues  
18 identified in **Sections II and III** above, as well as the requested relief discussed in **Section XI**  
19 below. However, the parties recognize that the scope of discovery may change as the case  
20 progresses.<sup>1</sup>

21 The parties anticipate that subjects of discovery will include, among other things:

- 22 • The claimed inventions of the asserted patents, including development and the  
23 meaning and scope of claim terms and the prosecution histories of the asserted  
24 patents;
- 25 • Prior art alleged to be relevant to the validity of the asserted claims;
- 26 • The accused instrumentalities alleged to infringe the asserted claims;

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27 <sup>1</sup> The scope of discovery may also change if Google's Motion to Amend is granted such that the  
28 proposed counterclaims are added to the case.

- 1 • The extent of use of and benefits provided by the accused instrumentalities;
- 2 • Financial information and customer demand for the accused instrumentalities;
- 3 • Facts related to any affirmative defenses or counterclaims; and
- 4 • Licenses and assignments of the asserted patents or related patents.

5 **C. Proposed Limitations on Discovery**

6 Unless otherwise agreed to by the parties, the parties agree that the limits imposed by the  
7 Federal Rules of Civil Procedure should apply to this case, with the clarification that those limits  
8 should apply per side and not per party (*i.e.*, 25 Interrogatories per side, 10 depositions per side).

9 The parties agree that discovery is subject to the limitations set forth in the Local Rules of  
10 this Court and the forthcoming ESI order and protective order to be entered in this action. The  
11 parties agree to electronic service in all instances where such service is necessary.

12 **D. Preservation and Production of Electronically Stored Information**

13 The parties have reviewed the Guidelines Relating to the Discovery of Electronically Stored  
14 Information (“ESI Guidelines”). The parties have and are continuing to meet and confer regarding  
15 and anticipate presenting a stipulated ESI protocol to the Court.

16 **E. Protective Order**

17 The parties have and are continuing to meet and confer regarding a joint stipulated  
18 protective order to be entered by the Court. The parties will continue to meet and confer on this  
19 topic in an effort to come to an agreement on a stipulated protective order to submit to the Court.

20 **F. Privilege Logs**

21 The parties agree that absent a specific showing of need, documents created on or after  
22 October 26, 2022 that are subject to a claim of attorney-client privilege, work product immunity,  
23 or any other privilege or immunity do not need to be included in the parties’ privilege logs. The  
24 parties are continuing to meet and confer regarding a joint stipulated protocol for privilege issues,  
25 including privilege logging, which will be incorporated into the forthcoming joint stipulated ESI  
26 protocol. The parties have agreed to address a Rule 502(d) order as part of the forthcoming  
27 proposed protective order.

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1           **G.     Deposition Logistics**

2           The parties will meet and confer in good faith regarding the protocol for conducting in-  
3 person and remote depositions. Google expects that in-person depositions will be conducted in the  
4 Northern District of California or elsewhere in the United States. The parties reserve the right to  
5 request a remote deposition when more appropriate or convenient for a particular witness, or for  
6 third-party depositions. The parties are unaware of depositions to be taken outside the United States  
7 at this time. The parties agree to meet and confer should any disputes arise as to the location of  
8 depositions and/or use of remote depositions.

9           **H.     Discovery Disputes**

10          The parties have not identified any specific discovery disputes and are prepared to meet and  
11 confer on any discovery disputes that may arise.

12          **IX.    CLASS ACTION**

13          This is not a class action case.

14          **X.     RELATED CASES**

15          The Counterclaim Patents that are the subject of Google’s pending Motion for Leave to  
16 Amend its Answer (Dkt. 99) are the same patents that Google raised in a declaratory judgment  
17 action before District Judge Noël Wise. *See Google LLC v. Headwater Research LLC*, Case No.  
18 5:25-cv-07453-NW (N.D. Cal.) (“-7453 Action”), Dkt. 1 (Compl.) ¶ 1. On March 26, 2026, Google  
19 dismissed the -7453 Action and filed in this action its Motion for Leave to Amend its Answer and  
20 Counterclaims, as discussed further in the parties’ briefing on that motion. *See* Dkt. 99, 103, 108.  
21 Headwater intends to file a Notice of Pendency of Other Action Involving Same Patents to identify  
22 the -7453 Action. Google states that under the Standing Order for All Judges of the Northern  
23 District of California, “Related Cases” are reserved for “cases or proceedings *pending* before  
24 another judge.” As Headwater acknowledges, the -7453 Action was dismissed by Google, and the  
25 action was subsequently terminated by the court on March 31, 2026.

26          When this action was pending in the Western District of Texas, the parties had agreed to  
27 consolidation of this action and another action between the parties that involved a different patent  
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1 sharing the same specification as those asserted here and the same accused products, for pretrial  
2 proceedings only. That other action is *Headwater Research LLC v. Google LLC*, Case No. 7:25-  
3 cv-00367-DC-DTG (W.D. Tex.) (the “-367 Action”). Headwater states that it agreed to such  
4 consolidation for pre-trial proceedings because both cases were before the same court and on the  
5 same schedule. The two cases are no longer even in the same district and are unlikely to remain  
6 on the same case schedule given that they are before different courts now. However, Google states  
7 that Google also filed a motion to transfer the -367 Action to the Northern District of California  
8 pursuant to 28 U.S.C. § 1404(a), for which the briefing is complete, such that both actions may  
9 ultimately be in this District. Google maintains that this action and the -367 Action involve  
10 identical parties and accuse Google’s cloud messaging service (FCM) of infringing patents from  
11 the same patent family that share the same lead inventor. Since there will be significant overlap in  
12 witnesses, documentary evidence, and motion practice, both the courts and the parties would waste  
13 resources absent consolidation. Google has also filed petitions for *inter partes review* of the  
14 Counterclaim Patents.

15 **XI. RELIEF**

16 Headwater requests that the Court enter judgment in Headwater’s favor, as follows:

- 17 a. A judgment in favor of Headwater that Google has infringed the asserted  
18 patents, and that the asserted patents are valid and enforceable;
- 19 b. A judgment and order requiring Google to pay Headwater past and future  
20 damages arising out of Google’s infringement of the asserted patents in an  
21 amount no less than a reasonable royalty, costs, expenses, and pre- and post-  
22 judgment interest for its infringement of the asserted patents, as provided under  
23 35 U.S.C. § 284;
- 24 d. A judgment and order requiring Google to provide an accounting and to pay  
25 supplemental damages to Headwater, including, without limitation, pre-  
26 judgment and post-judgment interest;
- 27 e. A judgment that Google’s infringement is willful and enhanced damages and  
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1 fees as a result of that willfulness under 35 U.S.C. § 284;

2 f. A finding that this case is exceptional under 35 U.S.C. § 285, and an award of  
3 Headwater’s reasonable attorneys’ fees and costs; and

4 g. Any and all other relief to which Headwater may be entitled.

5 Google requests that the Court enter judgment in Google’s favor, as follows:

6 a. A judgment in Google’s favor that Google does not directly or indirectly  
7 infringe any asserted patent, either literally or under the doctrine of equivalents;

8 b. A judgment in Google’s favor that all claims of the asserted patents are invalid  
9 and/or unenforceable;

10 c. A judgment in Google’s favor that Headwater is not entitled to any relief,  
11 including damages and/or equitable relief;

12 d. A judgment and order in Google’s favor that this is an exceptional case under  
13 35 U.S.C. § 285, and awarding to Google its attorneys’ fees and costs; and

14 f. Any and all further relief as the Court deems appropriate and just under the  
15 circumstances.

16 **XII. SETTLEMENT AND ADR**

17 Pursuant to ADR Local R. 3-5(b), Headwater and Google have filed ADR Certifications.  
18 Dkt. 105, 106. The parties have discussed ADR options and believe private mediation may be  
19 beneficial in this case. The parties propose scheduling a mediation after the Court issues its claim  
20 construction order in this case.

21 **XIII. OTHER REFERENCES**

22 The parties agree that this case is not suitable for binding arbitration, a special master, or  
23 the Judicial Panel on Multidistrict Litigation at this time. The parties decline to consent to  
24 magistrate judge jurisdiction for further proceedings.

25 **XIV. NARROWING OF ISSUES**

26 The parties will continue to meet and confer on ways to potentially narrow the number of  
27 issues in dispute.

1 **XV. SCHEDULING**

2 **A. Google’s Position**

3 Google proposes that the parties submit a more detailed case schedule 14 days after the  
 4 Court rules on Google’s Motion to Amend in order to avoid the potential for duplicative  
 5 proceedings, such as multiple claim construction hearings, should Google’s proposed declaratory  
 6 judgment counterclaims be added. With respect to a general scheduling framework, Google  
 7 proposes the following:

- 8 • Close of Fact Discovery: 4 months after the Claim Construction Hearing
- 9 • Designation of Experts: 5 months after the Claim Construction Hearing
- 10 • Hearing of Dispositive Motions: 11 months after the Claim Construction Hearing  
 11 (subject to the convenience of the Court’s calendar)
- 12 • Pretrial Conference: 12 months after the Claim Construction Hearing (subject to  
 13 the convenience of the Court’s calendar)
- 14 • Trial: 13 months after the Claim Construction Hearing (subject to the convenience  
 15 of the Court’s calendar)

16 **B. Headwater’s Position**

17 Headwater proposes the following schedule in compliance with the Patent Local Rules  
 18 (“Pat. L.R.”). Headwater disagrees that adjudication of this case should be delayed merely  
 19 because Google seeks to add declaratory judgment claims here that were previously dismissed  
 20 from another case between the parties. *See* Dkt. 103.

Event	Date
Initial Case Management Conference	April 30, 2026 at 10:00 am
Joint Claim Construction and Prehearing Statement Expert Reports (Pat. L.R. 4-3)	May 7, 2026
Damages Contentions by Headwater (Pat. L.R 3-8)	May 14, 2026
Responsive Damages Contentions by Google (Pat. L.R. 3-9)	June 15, 2026
Parties to Submit Pre-recorded Technology Tutorials to Educate the Court on the Technology at Issue Before	May 28, 2026

Event	Date
the Claim Construction Hearing	
Claim Construction Hearing (Pat. L.R. 4-6)	June 4, 2026 at 2:00 pm, or subject to the convenience of the Court's calendar
Damages Contentions Meeting (Pat. L.R. 3-10)	August 14, 2026
Advice of Counsel Disclosures (Pat. L.R. 3-7)	30 days after service of Court's Claim Construction Ruling
Close of Fact Discovery	November 5, 2026
Opening Expert Reports on Issues as to Which Party Bears the Burden of Proof	November 19, 2026
Rebuttal Expert Reports	December 17, 2026
Close of Expert Discovery	January 14, 2027
Google Files Its Motion for Summary Judgment	January 28, 2027
Headwater Files Its Opposition to Motion for Summary Judgment and Files Its <i>Daubert</i> Motion(s)	February 11, 2027
Google Files Its Reply in Support of Its Motion for Summary Judgment, Files Its Opposition(s) to Headwater's <i>Daubert</i> Motion(s), and Files Its <i>Daubert</i> Motion(s)	February 25, 2027
Headwater Files Its Repl(y/ies) in Support of Its <i>Daubert</i> Motion(s) and Files Its Opposition(s) to Google's <i>Daubert</i> Motion(s)	March 11, 2027
Google Files Its Repl(y/ies) in Support of Its <i>Daubert</i> Motion(s)	March 25, 2027
Hearing on Dispositive Motions and <i>Daubert</i> Motions	April 15, 2027 at 2:00 pm, or subject to the convenience of the Court's calendar
Pretrial Conference	June 3, 2027 at 11:00 am, or subject to the convenience of the Court's calendar
Jury Trial	June 22, 2027 at 8:30 am, or subject to the convenience of the Court's calendar

## **XVI. TRIAL**

The parties agree that the case will be tried to a jury. Based upon the Court's practice of holding trials from 8:30 am to 1:30 pm on Tuesdays, Wednesdays, Thursdays, and Fridays, the

1 parties expect trial to last approximately eight Court days.

2 **XVII. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS**

3 The parties have each filed individual statements pursuant to Civ. L.R. 3-15.

4 On March 10, 2026, Headwater filed its Certificate of Interested Parties and Entities  
5 pursuant to Civil Local Rule 3-15. Dkt. 98. Headwater certified that the following listed persons,  
6 associations of persons, firms, partnerships, corporations (including, but not limited to, parent  
7 corporations), or any other entities, other than the parties themselves, known by the party to have  
8 either: (i) a financial interest of any kind in the subject matter in controversy or in a party to the  
9 proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of  
10 the proceeding:

- 11 1. Headwater Research LLC, Defendant
- 12 2. Headwater Innovations LLC, Owner of Defendant
- 13 3. Russ August & Kabat, Trial Counsel for Defendant

14 On March 2, 2026, Google filed its Certificate of Interested Parties and Entities pursuant to  
15 Civil Local Rule 3-15. Dkt. 91. Google certified that the following listed persons, associations of  
16 persons, firms, partnerships, corporations (including, but not limited to, parent corporations), or  
17 other entities (i) have a financial interest in the subject matter in controversy or in a party to the  
18 proceeding, or (ii) have a non-financial interest in that subject matter or in a party that could be  
19 substantially affected by the outcome of this proceeding:

- 20 • Google LLC
- 21 • XXVI Holdings Inc., Holding Company of Google LLC
- 22 • Alphabet Inc., Holding Company of XXVI Holdings Inc.

23 **XVIII. PROFESSIONAL CONDUCT**

24 All attorneys of record for the parties have reviewed the Guidelines for Professional  
25 Conduct for the Northern District of California.

26 **XIX. OTHER MATTERS**

27 The Parties do not have further proposals at this time but will continue to discuss ways to  
28

1 facilitate the just, speedy and inexpensive disposition of this matter, as appropriate.

2 **XX. PATENT LOCAL RULE 2-1(B)**

3 Pursuant to Patent Local Rule 2-1(b), the parties have met and conferred regarding the  
4 following additional topics.

5 **I. P.L.R. 2-1(b)(1): Proposed modification of the obligations or deadlines set**  
6 **forth in these Patent Local Rules to ensure that they are suitable for the**  
7 **circumstances of the particular case (see Patent L.R. 1-3)**

8 The parties do not currently propose any modification of the obligations or deadlines set  
9 forth in these Patent Local Rules.

10 **J. P.L.R. 2-1(b)(2): The scope and timing of any claim construction discovery**  
11 **(including disclosure of and discovery from any expert witness permitted by**  
12 **the Court) and damages discovery**

13 The parties anticipate conducting claim construction and damages discovery in accordance  
14 with the Patent Local Rules.

15 **K. P.L.R. 2-1(b)(3): The format of the Claim Construction Hearing, including**  
16 **whether the Court will hear live testimony, the order of presentation, and the**  
17 **estimated length of the hearing**

18 The parties estimate two to three hours for the Claim Construction Hearing, with the time  
19 split evenly between the parties. The parties do not currently envision presenting live testimony  
20 during the Claim Construction Hearing, but each party reserves the right to seek leave to present  
21 expert testimony on the disputed terms. The parties propose that the Claim Construction Hearing  
22 be conducted on a term-by-term basis, with Google addressing each disputed term first, followed  
23 by Headwater.

24 **L. P.L.R. 2-1(b)(4): How the parties intend to educate the Court on the**  
25 **technology at issue**

26 Per the case schedule, the parties have proposed that they submit pre-recorded technology  
27 tutorials by May 28, 2026 to educate the Court on the technology at issue before the Claim  
28

1 Construction Hearing. Should the Court prefer, the parties can also provide in-person presentations  
2 that the parties suggest be given at the beginning of the Claim Construction Hearing.

3 **M. P.L.R. 2-1(b)(5): The parties shall provide the Court with a non-binding,**  
4 **good-faith estimate of the damages range expected for the case along with an**  
5 **explanation for the estimates**

6 The parties are unable to provide an estimate of damages at this time because the parties  
7 have not yet commenced fact discovery in this action. Headwater will provide its damages  
8 contentions in accordance with Patent Local Rule 3-8, and Google will respond thereto in  
9 accordance with Patent Local Rule 3-9. Headwater anticipates that it may seek damages in excess  
10 of \$100 million in damages in this action, based on public information about Google and  
11 Headwater's experience in its prior jury trials, which include a \$279 million verdict against  
12 Samsung for its use of the Google Firebase Cloud Messaging technology that is accused of  
13 infringement in this action. Google does not seek damages with respect to Headwater's  
14 infringement claims or its proposed counterclaims. Google disputes the relevance of a jury verdict  
15 from a different action against a different defendant to this case.

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Dated: April 23, 2026

By: /s/ Marc Fenster

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**ATTESTATION PURSUANT TO L.R. 5-1(i)**

1  
2 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this  
3 document has been obtained from any other signatory to this document.

4  
5 Dated: April 23, 2026

By: /s/Marc Fenster  
Marc Fenster

6  
7 **CERTIFICATE OF SERVICE**

8 I hereby certify that on this 23rd day of April 2026, the foregoing document was served on  
9 all attorneys of record by electronic mail.

10  
11 Dated: April 23, 2026

By: /s/ Marc Fenster  
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