

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ROSEN TECHNOLOGIES LLC,

Plaintiff,

v.

LENNOX INDUSTRIES INC.,

Defendant.

Civil Action No.: 3:22-cv-00732

JURY TRIAL DEMANDED

JOINT MOTION TO MODIFY DEADLINES

On July 28, 2023, Plaintiff Rosen Technologies LLC (“Rosen”) and Defendant Lennox Industries Inc. (“Lennox”) filed a Joint Motion to Stay Pending *Inter Partes* Review (Dkt. 74). The parties respectfully request that the Court grant the Joint Motion to Stay. To the extent the Court does not grant that Motion, Rosen and Lennox respectfully request that the Court modify the following deadlines set in the Court’s September 1, 2022 Scheduling Order (Dkt. 29) and June 1, 2023 Modified Scheduling Order (Dkt. 68).

Event	Current Deadline	Amended Deadline
Opening Expert Reports for Party with Burden of Proof (Paragraph 8, Dkt. No. 41)	October 4, 2023	January 11, 2024
Rebuttal Expert Reports (Paragraph 8)	November 13, 2023	February 22, 2024
Close of Discovery (Paragraph 13)	January 15, 2024	April 25, 2024
Motions for Summary Judgment and Daubert Motions (Paragraphs 6 and 8)	February 15, 2024	May 30, 2024
Pretrial Disclosures under Fed. R. Civ. P. 26(a)(3)(A)-(B) (Paragraph 12)	April 29, 2024	August 8, 2024
File Pretrial Materials (Paragraph 14)	May 13, 2024	September 5, 2024

Event	Current Deadline	Amended Deadline
Trial (Paragraph 4)	June 3, 2024	October 8, 2024

“A schedule may be modified only for good cause and with the judge’s consent.” FED. R. CIV. P. 16(b)(4). Here, good cause exists to extend the schedule. Due to the Court’s busy docket, the parties are still awaiting issuance of a Markman order. The parties believe that completing the necessary fact discovery and finalizing their claims and defenses for expert reports without a Markman order would be wasteful of the parties’ time and resources, as the parties would have to account for dueling claim construction positions and then modify their claims and defenses to the extent the Court adopts its own constructions. The parties therefore request to modify the above deadlines to promote efficiency and preserve resources. The proposed changes will require moving the current the trial date.

For the foregoing reasons, the parties request that the Court grant the requested extensions. The parties recognize that they still have much to accomplish in discovery and may need to request additional extensions of deadlines, but they are striving to complete the necessary discovery in time to comply with the requested extended deadlines.

Dated: August 24, 2023

Respectfully submitted,

/s/David Wille

David Wille
Texas Bar No. 785250
Samir Bhavsar
Texas Bar No. 798065
Morgan Mayne
Texas Bar No. 24084387
Caroline Duncan
Texas Bar No. 24108811
BAKER BOTTS L.L.P.
2001 Ross Avenue, Suite 900
Dallas, Texas 75201
Telephone: (214) 953-6595
Facsimile: (214) 953-4595
david.wille@bakerbotts.com
samir.bhavsar@bakerbotts.com
morgan.mayne@bakerbotts.com
caroline.duncan@bakerbotts.com

/s/Hao Ni

Hao Ni
Texas Bar No. 24047205
Timothy T. Wang
Texas Bar No. 24067927
Neal Massand
Texas Bar No. 24039038
Stevenson Moore V
Texas Bar No. 24076572
NI, WANG & MASSAND, PLLC
8140 Walnut Hill Ln., Ste. 500
Dallas, TX 75231
Tel: (972) 331-4600
Facsimile: (972) 314-0900
hni@nilawfirm.com
twang@nilawfirm.com
nmassand@nilawfirm.com
smoore@nilawfirm.com

Attorneys for Defendant Lennox Industries Inc.

Attorneys for Plaintiff Rosen Technologies LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2023, the foregoing was filed electronically in compliance with Local Rule CV-5(b)(1) and served via the Court's electronic filing system on all counsel who have consented to electronic service.

/s/ David G. Wille

David G. Wille