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

DALI WIRELESS, INC., Plaintiff, v. CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, VERIZON CORPORATE SERVICES GROUP INC., VERIZON ONLINE LLC, COMMSCOPE HOLDING COMPANY, INC., COMMSCOPE, INC., COMMSCOPE TECHNOLOGIES LLC, ERICSSON INC., TELEFONAKTIEBOLAGET LM ERICSSON, CORNING INC., and CORNING OPTICAL COMMUNICATIONS LLC, Defendants.	)	Case No. 6:22-CV-00104-ADA

AGREED JOINT MOTION TO TRANSFER SEVERED ACTION TO THE EASTERN DISTRICT OF TEXAS

Plaintiff Dali Wireless, Inc. ("Dali") and Defendants CommScope Holding Company, Inc., CommScope Inc., and CommScope Technologies LLC (collectively, "CommScope") and Defendants Cellco Partnership d/b/a Verizon Wireless, Verizon Corporate Services Group Inc., Verizon Online LLC (collectively, "Verizon") file this Agreed Joint Motion to Transfer Severed Action to the Eastern District of Texas as follows:

1. CommScope filed an Opposed Motion to Dismiss for Improper Venue or to Transfer Venue to the Eastern District of Texas on September 30, 2022 (ECF No. 64).

2. Pursuant to the Court's September 16, 2022 Standing Order Governing Proceedings (OGP) 4.2—Patent Cases, Dali and CommScope have engaged in venue discovery.

3. Dali and CommScope have participated in continuing discussion regarding venue and venue discovery, including meeting and conferring on December 5, 2022.

4. CommScope, Verizon, Ericsson Inc., Telefonaktiebolaget LM Ericsson, Corning, Inc., and Corning Optical Communications LLC filed an Opposed Motion to Sever and Stay Pending Final Resolution of Supplier Lawsuits on October 12, 2022 (ECF No. 75).

5. On October 26, 2022, the parties filed a Stipulation Regarding Narrowing of Issues with regard to the Motion to Sever and Stay (ECF No. 77), whereby the parties stipulated, subject to approval and order of the Court, to sever the above-captioned action into three actions, one of which names as defendants Verizon and CommScope.

6. Dali's Complaint (ECF No. 1) asserts three causes of actions exclusively against CommScope and Verizon related to Verizon's use of CommScope's products in Verizon's networks. These are the first, second, and thirteenth cause of action in Dali's Complaint.

7. CommScope has asserted Counterclaims (ECF No. 30) against Dali in response to the Complaint.

8. Dali, CommScope, and Verizon each now further consent to the transfer of Dali's Claims against CommScope and Verizon stemming from Verizon's use of CommScope's products in Verizon's networks, and CommScope's Counterclaims against Dali, to the United States District Court for the Eastern District of Texas, including the pending motion to stay insofar as it relates to claims against Verizon (ECF No. 75).

9. The parties agree that, if and when the Court orders this case to be severed and transferred to the Eastern District of Texas, all documents and things that have been produced in this action by Dali, CommScope, and Verizon will be deemed as having been produced in the Eastern District of Texas case as well, and that the parties may use those documents and things

consistent with the Federal Rules of Civil Procedure and the local rules for the Eastern District of Texas.

10. The parties reserve all rights and defenses in these actions, at law or in equity, that may now exist or in the future be available based on discovery or further factual investigation in this case.

NOW, THEREFORE, Dali, CommScope, and Verizon stipulate and jointly respectfully request that the Court Order as follows:

1. Insofar as the above-captioned lawsuit involves Dali's Complaint against CommScope and Verizon related to Verizon's use of CommScope's products in Verizon's networks (ECF No. 1, first, second, and thirteenth cause of action), and CommScope's Counterclaims (ECF No. 30), the case is severed and transferred to the United States District Court for the Eastern District of Texas, including the pending motion to stay insofar as it relates to the claims against Verizon (ECF No. 75) to the extent that this Court has not ruled on it at the time it rules on this Joint Motion; and

2. All pending deadlines in the above-captioned case against CommScope and Verizon related to Verizon's use of CommScope's products in Verizon's networks (Dali's first, second, and thirteenth cause of action in Dali's complaint), and CommScope's Counterclaims, are stayed until the Court orders this case to be severed and transferred to the Eastern District of Texas and until the Eastern District of Texas sets a new case schedule.

Respectively submitted:

Dated: December 13, 2022

/s/ Eric H. Findlay
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Attorneys for Dali Wireless, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will serve all counsel via electronic mail.

/s/Eric H. Findlay
Eric H. Findlay

CERTIFICATE OF CONFERENCE

Counsel for the Defendants, met and conferred with counsel for Plaintiff on December 12, 2022, and Plaintiff agrees with the relief sought in this motion.

/s/ *Eric H. Findlay*
Eric H. Findlay

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