

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

XR COMMUNICATIONS, LLC, dba
VIVATO TECHNOLOGIES,

Plaintiff,

V.

AT&T SERVICES INC.; AT&T
MOBILITY LLC; and AT&T CORP.,

Defendants,

NOKIA OF AMERICA
CORPORATION and ERICSSON
INC.,

Intervenors.

CASE NO. 2:23-CV-00202-JRG-RSP

(LEAD CASE)

And

XR COMMUNICATIONS, LLC, dba
VIVATO TECHNOLOGIES,

Plaintiff,

V.

VERIZON COMMUNICATIONS,
INC, et al.

Defendants,

NOKIA OF AMERICA
CORPORATION and ERICSSON
INC.,

Intervenors.

CASE NO. 2:23-CV-00470-JRG-RSP

ORDER OF CONSOLIDATION

Before the Court is the Joint Motion to Consolidate Cases filed by Plaintiff XR Communications, LLC dba Vivato Technologies and Defendants AT&T Corp., AT&T

Mobility LLC, and AT&T Services, Inc., Verizon Communications, Inc. and Cellco Partnership d/b/a Verizon Wireless, T-Mobile USA, Inc., and Intervenor Ericsson Inc. and Nokia of America Corporation. (**Dkt. No. 93.**) The Court, having considered the Joint Motion to Consolidate Cases, and for good cause shown, finds that the motion should be **GRANTED** to the following extent.

IT IS HEREBY ORDERED that: (1) the above-captioned lead case (2:23-cv-00202) and associated member cases (2:23-cv-00203 and 2:23-cv-00204) are consolidated for pre-trial with the follow-on lead case (2:23-cv-00470), and associated member cases (2:23-cv-00468 and 2:23-cv-00469). **All future filings** regarding all six cases shall be filed in the **LEAD CASE 2:23-cv-00202**. Individual cases remain active for trial as provided below.

IT IS FURTHER ORDERED that the two cases against Verizon (Member Case No. 2:23-cv-00203 and former lead Case No. 2:23-CV-00470 (for Verizon and Cellco Partnership only) shall have a consolidated trial;

IT IS FURTHER ORDERED that the two cases against T-Mobile (Member Case Nos. 2:23-cv-00204 and 2:23-CV-00469) shall have a consolidated trial;

IT IS FURTHER ORDERED that the two cases against AT&T (Lead Case No. 2:23-cv-00202 (for the AT&T Defendants only) and Member Case No. 2:23-CV-00468) shall have a consolidated trial;

IT IS FURTHER ORDERED that the Court will enter an Amended Docket Control Order applicable to the entire consolidated action that will supersede the Orders previously entered in all actions;

IT IS FINALLY ORDERED that (i) depositions of Plaintiff's Rule 30(b)(6) witnesses, inventors, or prosecution counsel (including, without limitation, Messrs.

Chraplyvy, Hansen, Chaffee, Brennan, Eidson, and the various prosecution counsel deponents, including Messrs. Haycox, Ambrose, Brooks, Schwedler, and Burke) will be collectively limited to 14 hours and questioning will not repeat issues addressed in earlier depositions, and (ii) the limits in the Discovery Order in Case No. 2:23-00202 (Dkt. No. 39) will otherwise apply to the consolidated action.

All counsel should make sure that their appearances are already noted in the above-captioned Lead Case. If not, they should take appropriate steps.

SIGNED this 15th day of September, 2024.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE