

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

EVERLIGHT ELECTRONICS CO., LTD, Plaintiff, v. IKEA US RETAIL LLC and IKEA NORTH AMERICA SERVICES, LLC, Defendants.	Civil Action No. 6:23-cv-00481
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JOINT MOTION TO AMEND CLAIM-CONSTRUCTION SCHEDULE

This is a patent infringement case, where Plaintiff Everlight Electronics Co., Ltd. (“Everlight”) asserts three patents against the IKEA Defendants. The Court issued a Scheduling Order on March 6, 2024 (D.I. 31). The Parties jointly request to extend the dates for the Parties’ claim construction exchanges and their briefing schedule as set forth in the Scheduling Order (D.I. 31) by approximately thirty (30) days. The Parties requested scheduling adjustment is set forth in the attached Proposed Order. The only Court date that is impacted is the docket call scheduled for June 11, 2024. The Parties respectfully request to postpone the docket call by about thirty days to a day that is amenable to the Court given its existing schedule.

The Parties request this adjustment in the claim construction briefing for two reasons. First, the parties are engaging in settlement discussions and hope to avoid the expense of claim construction and burdening the Court with what could be unnecessary work.

Second, in a related case pending in this Court before your Honor (*Everlight Electronics Co., Ltd. v. Walmart, Inc.*, No. 6-23-cv-000439-AM-DTG (“Walmart Action”)), Everlight asserts the same three patents against Walmart that Everlight asserts against IKEA. In the Walmart

Action, the Parties briefed claim construction and Magistrate Judge Gilliland issued a Claim Construction Order on May 6, 2024 (Walmart Action, D.I. 42). The Claim Construction Order states that the “Court issues this Order to memorialize the Court’s final claim construction rulings for the parties, and to inform the parties that the Court will issue a more-detailed Order explaining its analysis in due course” (Walmart Action, D.I. 42 at p. 1).

Since the Parties in this case will be briefing claim construction on the same three patents, the Parties believe that it would be more efficient for the Court and Parties to have the benefit of the Court’s further analysis before engaging in claim construction proceedings. The Court’s further analysis may impact the Parties’ positions. Also, there may be a way to streamline issues in this case based on the Court’s opinion in the Walmart Action. Moreover, if the Parties were to start claim construction briefing before the Court’s opinion issues in the Walmart Action, the Parties may have to amend their positions and request amended or supplemental briefing to address the Court’s reasoning.

In sum, the Parties respectfully request the proposed adjustment to the Court’s Scheduling Order (D.I. 31).

Date: May 30, 2024

Respectfully submitted,

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By: /s/ Mark Hannemann

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Date	Event
July 9, 2024	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
July 10, 2024	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
July 11, 2024	In-person docket call at 10:00 a.m., United States Courthouse, Del Rio, at which the Markman hearing will be scheduled.
July 24, 2024	Plaintiff files Responsive claim construction brief.
July 31, 2024	Defendant files Reply claim construction brief.
August 7, 2024	Plaintiff files a Sur-Reply claim construction brief.

SO ORDERED this _____ day of _____, 20____.

CERTIFICATE OF SERVICE

I, Michael J. Bonella, hereby certify that on this 30th day of May 2024, a copy of the foregoing Joint Motion to Amend Claim Construction Schedule and Proposed Amended Scheduling Order were electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing to all Counsel of Record.

/s/ Michael J. Bonella

Michael J. Bonella