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

ASUS TECHNOLOGY LICENSING INC. AND CELERITY IP, LLC, Plaintiffs, v. **AT&T CORP.,** **AT&T MOBILITY LLC,** **AT&T MOBILITY II LLC, AND** **AT&T SERVICES, INC.,** Defendants. **ERICSSON INC.,** **NOKIA CORPORATION OF AMERICA,** Intervenors.	Civil Action No. 2:23-cv-486 LEAD CASE **JURY TRIAL**
ASUS TECHNOLOGY LICENSING INC. AND CELERITY IP, LLC, Plaintiffs, v. **T-MOBILE USA, INC.,** Defendant. **ERICSSON INC.,** **NOKIA CORPORATION OF AMERICA,** Intervenors.	Civil Action No. 2:23-cv-487 **JURY TRIAL**

ASUS TECHNOLOGY LICENSING INC. AND CELERITY IP, LLC, Plaintiffs, v. **CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,** Defendant. **ERICSSON INC., NOKIA CORPORATION OF AMERICA,** Intervenors.	Civil Action No. 2:23-cv-488 **JURY TRIAL**
INNOVATIVE SONIC LIMITED AND CELERITY IP, LLC, Plaintiffs, v. **AT&T CORP., AT&T MOBILITY LLC, AT&T MOBILITY II LLC, AND AT&T SERVICES, INC.,** Defendants. **ERICSSON INC., NOKIA CORPORATION OF AMERICA,** Intervenors.	Civil Action No. 2:23-cv-489 **JURY TRIAL**

INNOVATIVE SONIC LIMITED AND CELERITY IP, LLC, Plaintiffs, v. **T-MOBILE USA, INC.,** Defendant. **ERICSSON INC.,** **NOKIA CORPORATION OF AMERICA,** Intervenors.	Civil Action No. 2:23-cv-490 **JURY TRIAL**
INNOVATIVE SONIC LIMITED AND CELERITY IP, LLC, Plaintiffs, v. **CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,** Defendant. **ERICSSON INC.,** **NOKIA CORPORATION OF AMERICA,** Intervenors.	Civil Action No. 2:23-cv-491 **JURY TRIAL**

PLAINTIFFS' MOTION FOR EXPEDITED BRIEFING ON THE MOTION TO LIFT THE STAY

Plaintiffs respectfully move for expedited briefing on their Motion to Lift the Stay.

As detailed in Plaintiffs' Motion to Lift the Stay, the Court entered a stay of this Action on December 6, 2024 pending "resolutions of the motions to dismiss" in *Celerity IP LLC v. AT&T Corp.*, 2:24-cv-00721-JRG-RSP (the "-721 Case") because the Court found the claims in the -721 Case presented a "chilling effect" on the joint defense of this case. Dkt. 328. Immediately following that Order, Plaintiffs sought leave to file a revised Second Amended Complaint in the -721 Case, which seeks to dismiss with prejudice ***all*** claims that are subject to the pending Motion to Dismiss in that action. -721 Case, Dkt. 84. In light of this Plaintiffs have also brought a motion to lift the stay entered by the Court. (Dkt. 329). Plaintiffs respectfully request the following expedite briefing schedule on the motion to life the stay:

Event	**Due Date**
Plaintiffs' Motion to Lift Stay	December 7, 2024
Defendants' Opposition	December 11, 2024
Plaintiffs' Reply	December 12, 2024
Defendants' Surreply	December 13, 2024

Expedited briefing on the motion to lift the state is necessary because Defendants have made it clear they plan to use the present stay to impose significant delays on the entire infringement case for purely tactical purposes. For example, Defendants are refusing to agree to schedule depositions of the inventors on the Asserted Patents, each of whom are located in Taiwan. Plaintiffs previously offered these depositions in February, but Defendants claimed that they "cannot wait until late February" to take these depositions and unless Plaintiffs made the witnesses available in January, Defendants would "reserve the right to seek relief from the Court, including an extension of the case schedule." Ex. 1 at 2. In an effort to find agreement on deposition scheduling, Plaintiffs re-worked

the schedules of the inventors to make time in January. *Id.* at 1-2. Plaintiffs offered the depositions in January, but now Defendants are refusing to accept the depositions because of the stay. Defendants' plan is clear: they will decline the January depositions because of the stay, and then claim any time after that is too late in discovery and an extension is needed.

As another example, Defendants are refusing to provide their own witnesses for deposition. Plaintiffs have been requesting 30(b)(1) and 30(b)(6) depositions for months, but Defendants have refused to make their witnesses available. Plaintiffs requested a lead-local meet and confer on December 6 to move the deposition scheduling process forward. But within hours of the stay, Defendants wrote to Plaintiffs saying "in light of the stay, we have released our deponents and we will revisit deposition scheduling, including of ASUS/Celerity deponents, and reschedule the lead/local, until after the stay is lifted." Ex. 2. This behavior occurred ***after*** Plaintiffs announced they were dismissing with prejudice the anti-trust and unfair competition claims that were the sole basis of Defendants motion to stay. *Cf.* Ex. 3 (sent at 8:49am) *with* Ex. 2 at 1 (sent at 10:34am).

Plaintiffs are doing everything they can to keep this case on track. For example, Plaintiffs will be following the current schedule and filing their opening claim construction brief in the -486, -487, and -488 cases on December 11 pursuant to the current scheduling order. Plaintiffs also timely filed their Opening Claim construction brief in the -489, -490, and -491 cases on December 2, 2024. Dkt. 327.

DATED: December 7, 2024

/s/ Jason Sheasby

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ATTORNEYS FOR PLAINTIFFS ASUS

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on December 7, 2024.

/s/ *N. Isabella Chestney*
N. Isabella Chestney

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(h), I hereby certify that, on December 6 and December 7, 2024, counsel for Plaintiffs sought to meet and confer with counsel for Defendants on the substance of this motion. Defendants ignored repeated requests to meet and confer.

/s/ *Jason Sheasby*
Jason Sheasby