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' REPLY IN SUPPORT OF MOTION FOR EXPEDITED BRIEFING ON THE MOTION TO LIFT THE STAY

Defendants' Opposition does not dispute that there is no remaining basis for the present stay, and offers no compelling reason why expedited briefing is not appropriate in light of this.

Ten lawyers have noticed appearance in this case on behalf of Defendants and Intervenors. If Defendants truly need Mr. Matthews specifically to review their Opposition brief before it is filed, the proposed schedule can be adjusted to allow the Opposition to be filed on Tuesday, December 16, with Plaintiffs' Reply due the following day.

Defendants maintain that the antitrust and unfair competition claims were brought for "tactical" reasons. This is correct in so far as Plaintiffs believe the coordinated negotiation tactics used by Defendants violated certain antitrust and unfair competition laws. Defendants expressed a concern that these tactics were inseparable from their joint defense, and therefore they could not feasibly defend the patent claims. Plaintiffs have therefore sought to dismiss with prejudice all these claims. Defendants' insistence on continuing the stay despite being granted what they requested is now itself a litigation tactic with the sole purpose of delaying the progress of the infringement case.

Defendants claim Plaintiffs' failed to consult them before filing the Motion to Lift Stay, Opp. 1, but as explained in Plaintiffs' Opening Motion, Defendants ignored Plaintiffs' repeated requests to meet and confer on the stay.

Defendants' original Motion to Stay was based entirely on concerns arising from the perceived threat to the joint defense group posed by the unfair competition/antitrust claims in the -721 Action. Dkt. 250 at 5 ("any marginal prejudice in deferring the infringement claims pales in comparison to the immense prejudice that Defendants face in attempting to defend these cases with a cloud of antitrust allegations hanging over their joint defense group and privileged communications.") None of the -721 claims discussed in the Motion to Stay remain. They have all been withdrawn with prejudice and there is thus no plausible remaining threat to the Defendants' joint defense.

Expedited briefing on the Motion to Lift the Stay is warranted to avoid the unnecessary delay Defendants to seek to impose and ensure prompt resolution of the issues in this case.

DATED: December 9, 2024

/s/ Jason Sheasby
Jason Sheasby

Robert C. Bunt
Texas State Bar No. 00787165
rcbunt@pbatyler.com
PARKER, BUNT & AINSWORTH, P.C.
100 E. Ferguson, Suite 418
Tyler, Texas 75702
Tel: (903) 531-3535

Jason Sheasby
California State Bar No. 205455
(*pro hac vice*)
jsheasby@irell.com
Jordan Nafekh
California State Bar No. 328151
(*pro hac vice*)
jnafekh@irell.com
IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067-4276
Tel: (310) 277-1010

ATTORNEYS FOR PLAINTIFFS

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 9, 2024.

/s/ N. Isabella Chestney
N. Isabella Chestney