

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GEORGIA TECH RESEARCH
CORPORATION,

Plaintiff,

v.

MURATA ELECTRONICS NORTH
AMERICA, INC., and

MURATA MANUFACTURING CO.,
LTD.,

Defendants.

Civil Action No. 1:24-cv-05268-JPB

**JOINT MOTION TO STAY DEADLINES FOR RULE 26 CONFERENCE
AND JOINT PRELIMINARY REPORT AND DISCOVERY PLAN**

Plaintiff Georgia Tech Research Corporation (“GTRC”) and Defendants Murata Electronics North America, Inc. Murata Manufacturing Co., Ltd. (collectively “Murata”) jointly move the Court to stay the deadlines under this Court’s Local Rules LR 16.1 and 16.2 relating to the parties’ discovery planning conference and Joint Preliminary Report and Discovery Plan.

On April 2, 2025, Murata filed a motion to dismiss under Fed. R. Civ. P. 12(b)(6), without filing an answer, as well as a motion to stay the entire action pending the *inter partes* review challenge that Murata filed at the USPTO. [Docs. 13, 14]. GTRC opposes both motions, but briefing is not complete on them. Under

the Court's Local Rules, "discovery does not open until thirty days after the first defendant answers," *Jenkins v. Prime Ins. Co.*, No. 1:20-CV-01263-JPB, 2020 WL 6106626, at *1 (N.D. Ga. Apr. 21, 2020), "unless the parties mutually consent to begin earlier, LR 26.2(A). However, the deadlines for the parties to hold the Rule 26 early planning conference and to file the Joint Preliminary Report and Discovery Plan are based on the date the first defendant appears "by answer *or motion*." LR 16.1, 16.2 (emphasis added).

On April 18, the parties met and conferred within sixteen days after Murata appeared and filed their motions, in accordance with LR 16.1. Murata has *not* consented to begin discovery earlier than required by the local rules. Accordingly, the discovery period will not open until Murata answers the complaint, which will not occur unless and until the Court denies Murata's motion to dismiss. *Jenkins*, 2020 WL 6106626, at *1.

The parties agree that it would be more efficient to defer the full Rule 26(f) conference and Joint Preliminary Report and Discovery Plan until after the Court resolves the motion to dismiss as well. It would be inefficient, and difficult for the parties to prepare the detailed disclosures that the Local Civil Rules and Local Patent Rules require, many of which are keyed off the early planning conference and filing of the Joint Preliminary Report. Additionally, the parties will have difficulty agreeing on a proposed case schedule until the issues raised in the motion

to dismiss have been resolved. This Court has previously stayed these deadlines when there is a pending motion to dismiss (including in patent cases). *E.g.*, *Fleet Connect Solutions LLC v. Juniper Networks, Inc.*, No. 1:24-cv-01935-JPB, docket entry (N.D. Ga. Jul. 19, 2024); *Jenkins*, 2020 WL 6106626, at *1; *SendSig, LLC v. Square, Inc.*, No. 1:19-cv-03733-JPB (N.D. Ga. Oct. 30, 2019), ECF 20.

Accordingly, the parties jointly ask the Court to stay the deadlines under Local Rules 16.1 and 16.2 relating to the parties' early planning conference and filing of the Joint Preliminary Report and Discovery Plan until, at the earliest, sixteen days after the court denies Murata's motion to dismiss. A Proposed Order is provided herewith.

/s/ Warren J. Thomas

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LOCAL RULE 7.1 CERTIFICATE OF COMPLIANCE

I hereby certify that this brief has been prepared in 14 point Times New Roman font in accordance with Local Rule 5.1(C).

/s/ Warren J. Thomas
Warren J. Thomas