

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

USTA TECHNOLOGY, LLC,

Plaintiff,

v.

LENOVO GROUP LIMITED,

Defendant.

Civil Action No. 4:24-cv-515-SDJ

JURY TRIAL DEMANDED

JOINT RULE 26(f) CONFERENCE REPORT

The parties in the above-captioned case have conferred as required by Fed. R. Civ. P. 26(f) and the Court's orders (Dkt. Nos. 21 and 26), and file this joint report.

The Rule 26(f) conference was held on February 24, 2025. Derek Dahlgren of Devlin Law Firm LLC participated on behalf of Plaintiff USTA Technology LLC ("Plaintiff" or "USTA"). Clay Holloway of Kilpatrick Townsend & Stockton LLP participated on behalf of Defendant Lenovo Group Limited. ("Defendant" or "LGL").

1. Suggested modifications of the proposed deadlines for the scheduling order set out in Appendix B

Attached as Exhibit 1 are the parties' competing proposed schedules. Plaintiff's proposed schedule aligns with the proposed schedule in *USTA Technology, LLC v. ASUSTeK Computer, Inc.* No. 4:24-cv-512-SDJ (E.D. Tex.), Dkt. 28-1.¹ LGL's proposed schedule generally seeks an extra 60 days for each deadline to accommodate anticipated jurisdictional discovery in view of LGL's Motion to Dismiss, *inter alia*, for lack of personal jurisdiction.

¹ USTA anticipates requesting a similar schedule in *USTA Technology, LLC v. AT&T Mobility LLC, et al.*, No. 4:24-cv-513-SDJ (E.D. Tex.).

a) The need for and any specific limits on discovery relating to claim construction, including depositions of witnesses, including expert witnesses;

The parties propose that written discovery (interrogatories, requests for production, requests for admission) specific to claim construction will not be necessary beyond what is required by the Local Patent Rules. The parties agree that one deposition, of up to 4.5 hours, will be permitted for each expert that provides a declaration on the issue of claim construction.

b) The scheduling of a Claim Construction Pre-hearing Conference to be held after the Joint Claim Construction and Pre-hearing Statement provided for in P.R.4-3 has been filed.

The parties do not anticipate the need for a Claim Construction Pre-hearing Conference, but are happy to appear if that is the Court's preference. To the extent that the parties' views on the need for a Claim Construction Pre-hearing Conference changes, the parties will inform the Court and request dates accordingly.

2. If the parties believe mediation may be appropriate, and the parties can agree upon a mediator, the name, address, and phone number of that mediator should be stated.

The parties believe that mediation may be beneficial in the future but would not currently be beneficial.

3. What changes, if any, should be made to the limitations on discovery imposed by the rules, including the number of depositions and interrogatories.

The parties do not believe any modifications need to be made to the normal limitations on discovery as set out in the OGP subject to the following clarifications: the 40-hour limit of deposition time per side shall apply to depositions of fact witnesses but shall not apply to expert depositions. Each fact witness deposition shall count as 3 hours against a party's deposition hours limit if the deposition lasts 3 hours or less. To the extent that a witness is testifying subject to both Rule 30(b)(1) and Rule 30(b)(6) and consistent with Rule 30(a)(2)(A)(ii), the parties shall work in

good faith to take those depositions of the individual on the same day. Each side shall be able to depose an expert witness for 7 hours per report authored by the expert. For avoidance of doubt, an expert's report on infringement, validity, and damages shall be considered separate reports regardless of whether they are included in a single document. The definition of "Side" provided in the OGP shall refer to USTA on one "Side," and LGL on the other "Side."

4. The identity of persons expected to be deposed.

At this time Plaintiff anticipates that any persons expected to be deposed will come from the lists disclosed in the Initial Disclosures. Plaintiff will supplement those disclosures should additional persons be identified who may be expected to be deposed.

At this time Defendant anticipates that any persons expected to be deposed will come from the lists disclosed in the Initial Disclosures and supplementations thereto as disclosures are exchanged and discovery proceeds.

The parties reserve the right to depose additional persons as they become known through the discovery process.

5. Any issues relating to disclosure of information (electronically stored and otherwise) including the form or forms in which it should be produced and timing of production.

None at this time.

6. Any issues relating to preserving discoverable information, including whether a Preservation Order is needed to protect any documents and/or electronically stored information.

None at this time. The parties certify that they have taken reasonable steps to ensure that documents and things relevant to this action have been (and are continuing to be) preserved. The parties understand their duties to preserve relevant information and do not believe that a preservation order is necessary.

7. Whether any other orders should be entered by the Court pursuant to Fed. R. Civ. P. 26(c), Fed. R. Civ. P. 16(b), or Fed. R. Civ. P. 16(c).

The parties jointly state that they have met and conferred regarding the Protective Order and agreed that a supplemental Protective Order is needed in this case. The parties will continue to meet and confer to submit a joint proposed supplemental Protective Order to the Court.

The parties jointly state that they have met and conferred regarding the ESI Order and will continue to meet and confer to submit a joint proposed supplemental ESI Order to the Court.

8. Estimated trial time.

The parties estimate that trial in the above captioned action will require five days.

9. The names of the attorneys who will appear on behalf of the parties at the management conference (the appearing attorney must be an attorney of record and have full authority to bind the client).

It is expected that Chad Henson from Devlin Law Firm LLC will attend the Case Management Conference on behalf of Plaintiff.

It is expected that Melissa Smith of Gillam & Smith LLP will attend the Case Management Conference on behalf of Defendant.

10. Any other matters counsel deems appropriate for inclusion in the joint conference report.

Privilege Logs. The parties agree that they need not log any privileged documents generated on or after the filing date of this litigation.

Dated: March 28, 2025

Respectfully submitted,

/s/ Derek Dahlgren

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically on all counsel of record through the Court's electronic filing system on March 28, 2025.

/s/ Derek Dahlgren
Derek Dahlgren