

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

YETI Coolers, LLC,

Plaintiff,

v.

Waterbear Global LLC,

Defendant.

Case No. 1:24-cv-1251-ADA

Jury Trial Demanded

**YETI’S UNOPPOSED MOTION FOR AN EXTENSION OF REMAINING
DEADLINES AND FOR ENTRY OF AN AMENDED SCHEDULING ORDER**

Plaintiff YETI Coolers, LLC (“YETI”) respectfully moves the Court for a 60-day extension of all remaining deadlines in this lawsuit, namely (1) the September 2, 2025 deadline for Defendant Waterbear Global LLC (“Waterbear”) to retain new counsel and respond to the Court’s July 3, 2025 Order (ECF No. 33), and (2) the remaining deadlines in the Scheduling Order (ECF No. 31). As explained further below, Waterbear agrees to these new deadlines and does not oppose this motion.

Over the past several weeks, the parties have been working toward global resolution of this lawsuit and a foreign lawsuit involving Waterbear products. Counsel for YETI, Michael Krashin, has had multiple telephonic conferences with Alejandro Solares, counsel for Servicios y Desarrollos APH Inc., S.A., the defendant in the foreign lawsuit. Further, counsel for Waterbear, Steve Borgman,¹ confirmed that counsel for YETI at Banner Witcoff could speak directly with a principal of Waterbear, Matthew Posey, about this lawsuit. Counsel for YETI, Mr. Krashin and

¹ Counsel at Kilpatrick Townsend & Stockton LLP, Mr. Borgman and Megan Bussey, moved to withdraw as counsel for Waterbear. (ECF No. 32.) The Court took that motion under advisement and set a deadline of September 2, 2025 for Waterbear to retain new counsel and respond to the Order. (ECF No. 33.)

Anthony Denis, conferred telephonically with Mr. Posey and Mr. Solares on August 28, 2025, and Mr. Posey requested this extension on behalf of Waterbear to allow the parties additional time to continue their settlement discussions. All parties agree that an extension of the upcoming deadlines in this lawsuit would assist with continuing those settlement discussions and attempting to reach an agreement that would resolve this dispute.

The attached proposed Order (1) extends Waterbear's September 2 deadline to retain new counsel and respond to the Court's July 3 Order from September 2, 2025 to November 3, 2025, and (2) enters an Amended Schedule that extends the deadlines by 60 days (accounting for weekends and holidays). The parties are cognizant of the Court's advisement in its Order Governing Proceedings for Patent Cases ("OGP") that, "[a]fter the trial date is set, the Court will not move the trial date except in extreme situations." The parties agree that moving the trial date is warranted here, including because doing so allows the new Amended Schedule to track the time differences in the Court's exemplary schedule in its OGP and because the parties' continued settlement discussions will hopefully resolve this lawsuit.

This is the second request to amend the Scheduling Order in this case. (*See* ECF No. 30.) This requested extension is not made for purposes of delay. All parties respectfully submit that the interests of justice will be served, and the resources of the parties and Court preserved, if the Court grants this Motion and enters the attached proposed Order and Amended Schedule.

Dated: August 29, 2025

Respectfully submitted,

By: /s/ Michael L. Krashin
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ATTORNEYS FOR YETI COOLERS, LLC

CERTIFICATE OF CONFERENCE

I hereby certify that on August 28, 2025, Mr. Krashin and Mr. Denis conferred with Mr. Posey and Mr. Solares, and Waterbear agrees to the extensions sought in this Motion and does not oppose this motion.

/s/ Michael L. Krashin
FOR YETI COOLERS, LLC

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2025, I caused the foregoing document to be electronically filed with the Clerk of the Court pursuant to the Electronic Filing Procedures and using the CM/ECF system, and that a true and correct electronic copy was thereby caused to be served on Waterbear by and through its counsel of record at Kilpatrick Townsend & Stockton LLP.

I also certify that on this same date, I am emailing a copy of this filing to Mr. Posey at matt@waterbearglobal.com and to Mr. Solares at asolares@altalegal.com.

/s/ Michael L. Krashin
FOR YETI COOLERS, LLC

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**[PROPOSED] ORDER GRANTING YETI'S UNOPPOSED MOTION AND ENTERING
AMENDED SCHEDULE**

Before the Court is YETI Coolers, LLC's ("YETI's") Unopposed Motion for an Extension of Upcoming Deadlines and for Entry of an Amended Scheduling Order. Having considered YETI's Motion, the Court finds that YETI's Motion should be granted.

IT IS THEREFORE ORDERED that YETI's Motion is **GRANTED**.

IT IS FURTHER ORDERED that Waterbear Global LLC ("Waterbear") shall respond to the Court's July 3, 2025 Order (ECF No. 33) by November 3, 2025 by retaining an attorney who files a Notice of Appearance on the docket.

IT IS FURTHER ORDERED that, pursuant to Federal Rules of Civil Procedure 16, the following deadlines will govern the remaining schedule of the case:

Deadline	Items
11/17/2025	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found ¹ , (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s) ² .
12/01/2025	Parties exchange claim terms for construction ³ .
12/15/2025	Parties exchange proposed claim constructions ⁴ .
12/22/2025	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
12/29/2025	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
01/05/2026	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
01/26/2026	Plaintiff files Responsive claim construction brief.
02/09/2026	Defendant files Reply claim construction brief.

¹ Because every asserted patent is a design patent, the preliminary invalidity contentions shall include images of the prior art references Defendant intends to rely upon.

² Because every asserted patent is a design patent, Defendant shall produce technical documents sufficient to show the design of the accused products.

³ Because every asserted patent is a design patent, the parties will identify any claim terms for construction and any claim that one or more asserted patents are indefinite.

⁴ Because every asserted patent is a design patent, the parties will identify any proposed claim constructions and any claim that one or more asserted patents are indefinite.

02/09/2026	Parties to jointly email the law clerks (<i>see</i> OGP at 1) to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution.
02/23/2026	Plaintiff files a Sur-Reply claim construction brief.
02/24/2026	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy.
02/27/2026	Parties submit optional technical tutorials to the Court and technical advisor (if appointed).
03/10/2026	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.
03/13/2026	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
04/21/2026	Deadline to add parties.
05/05/2026	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.
6/30/2026	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
09/08/2026	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues.
10/06/2026	Close of Fact Discovery.
10/13/2026	Opening Expert Reports.
11/10/2026	Rebuttal Expert Reports.

12/01/2026	Close of Expert Discovery.
12/08/2026	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
12/15/2026	Dispositive motion deadline and Daubert motion deadline. <i>See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).</i>
12/29/2026	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, deposition designations).
01/12/2027	Serve objections to pretrial disclosures/rebuttal disclosures.
01/12/2027	Parties to jointly email the Court's law clerk (<i>See OGP at 1</i>) to confirm their pretrial conference and trial dates.
01/19/2027	Serve objections to rebuttal disclosures; file motions <i>in limine</i> .
01/26/2027	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, deposition designations); file oppositions to motions <i>in limine</i>
02/02/2027	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to file replies to motions <i>in limine</i> .
02/09/2027	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
02/15/2027	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
02/16/2027	Final Pretrial Conference. Held in person unless otherwise requested.
03/05/2027	Jury Selection/Trial

ORDERED this ____ day of _____, 2025

ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE