

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DALI WIRELESS, INC. a Delaware corporation,)	
)	
Plaintiff,)	
)	C.A. No. 19-2367-RGA
v.)	
)	JURY TRIAL DEMANDED
JOHN MEZZALINGUA ASSOCIATES, LLC)	
d/b/a JMA WIRELESS, a Delaware limited)	
liability corporation; TEKO TELECOM SRL,)	
an Italian corporation; and JMA WIRELESS)	
LIMITED, an Irish corporation,)	
)	
Defendants.)	

UNOPPOSED MOTION TO AMEND SCHEDULING ORDER

Plaintiff Dali Wireless, Inc. (“Dali”) respectfully requests leave to amend the Scheduling Order, including a brief four-month adjournment to the current trial date (subject to the Court’s convenience). Defendants John Mezzalingua Associates, LLC d/b/a JMA Wireless, TEKO Telecom SRL, and JMA Wireless Limited (collectively “JMA”) do not oppose this request.

Trial in this case is presently set for **June 6, 2022**, with the deadline to file dispositive motions set for **January 14, 2022**. D.I. 15 ¶¶ 13, 19. In light of outstanding discovery, the parties have previously stipulated, and the Court has ordered, that the close of fact discovery be extended to **September 10, 2021**. D.I. 97 (so ordered Jun. 8, 2021). Similarly, the parties have also previously stipulated, and the Court has ordered, that the close of expert discovery be extended to **December 17, 2021**. D.I. 78 (so ordered Mar. 9, 2021).

Under two months remain until the present close of fact discovery, but several critical categories of evidence remain outstanding. For example, JMA has noticed depositions of the inventors of Dali’s asserted patents; those depositions have not yet been calendared as Dali awaits service of JMA’s notice of deposition pursuant to Fed. R. Civ. P. 30(b)(6). In addition, the parties

recently appeared in front of the Court on June 30, at which time the Court ordered that JMA produce additional source code corresponding to certain accused products. (June 30 Hrg. Tr. 18:22-19:14.) JMA made that code available for Dali's review as of July 15, and Dali requires additional time to review that code and supplement its contentions. Similarly, JMA will require time to assess and respond to Dali's supplemental contentions. Finally, at the June 30 hearing Dali also referenced its intention to promptly take 30(b)(6) deposition discovery concerning the scope and contents of JMA's document collection and production to date; the Court confirmed this "seems like a reasonable course." (June 30 Hrg. Tr. 21:13-23.) These depositions are also yet to be scheduled.

In light of the volume and critical nature of this outstanding fact discovery, the rapidly approaching September 10 deadline to complete fact discovery, and the lack of any further room to adjourn existing deadlines while still preserving the existing trial date, the parties are agreed that a short, four-month adjournment in the trial date (subject to the Court's convenience) would best allow each of the parties to try this case on the merits.

Federal Rule of Civil Procedure 6(b)(1)(A) provides, in part, "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time." "Courts have described Rule 6(b)(1)(A)'s 'good cause' standard as 'non-rigorous' and have noted that a request for an extension of time pursuant to the Rule should 'normally . . . be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.'" *Davis v. Ace Hardware Corp.*, No. 12-1185-SLR-CJB, 2014 WL 2990329, at *2 (D. Del. July 2, 2014) (alteration in original) (*quoting Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010)). Here the parties have acted with reasonable diligence to pursue discovery, which also has been affected by the COVID pandemic (e.g., source code review logistical

issues), but numerous discovery issues remain outstanding and cannot be completed within the current schedule. Accordingly, Dali believes, and JMA does not oppose, subject to the Court's approval, that a brief adjournment of the schedule is in order.

Dali accordingly respectfully requests that the Court extend the case schedule as follows, as set forth in the attached order:

Event	Current Deadline	New Deadline
Final Infringement Contentions	July 21, 2021	October 20, 2021
Final Invalidity Contentions	August 23, 2021	November 22, 2021
Fact Discovery Cut-Off	September 10, 2021	December 17, 2021
Opening Reports	September 29, 2021	January 14, 2022
Rebuttal Reports	November 3, 2021	February 18, 2022
Reply Reports	November 23, 2021	March 11, 2022
Expert Discovery Cut-Off	December 17, 2021	April 4, 2022
Dispositive Motions	January 14, 2022	April 27, 2022
Pretrial Conference	May 20, 2022	September 9, 2022 (subject to Court's convenience)
Trial	June 6, 2022	September 26, 2022 (subject to Court's convenience)

Respectfully submitted,

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IT IS SO ORDERED this ____ day of _____, 2021.

The Honorable Richard G. Andrews
United States District Judge