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 16 *and Signify Holding B.V.*

17
 18 **UNITED STATES DISTRICT COURT**
 19 **DISTRICT OF NEVADA**

20 SIGNIFY NORTH AMERICA CORPORATION and
 SIGNIFY HOLDING B.V.

21 Plaintiffs,

22 v.

23 LEPRO INNOVATION INC,
 24 LE INNOVATION INC,
 INNOVATION RULES INC.,
 25 HOME EVER INC., and
 LETIANLIGHTING, INC.,

26 Defendants.

Case 2:22-cv-02095-JAD-DJA

**JOINT STIPULATION AND
 ORDER TO EXTEND
 DEADLINES IN REVISED
 SCHEDULING ORDER**

(Third Requested Extension)

1 This is a patent-infringement suit over LED lighting products. Plaintiffs Signify North
2 America Corporation and Signify Holding B.V. (collectively, “Plaintiffs”) allege that Defendants
3 Lepro Innovation Inc., LE Innovation Inc., Innovation Rules Inc., Home Ever Inc., and
4 Letianlighting Inc. (collectively, “Defendants”) infringed seven of Signify’s patents covering
5 various LED technologies.

6 The parties have proceeded through claim construction under the Local Patent Rules of
7 this Court. On October 16 and 17, 2023, a Claim Construction Tutorial and Hearing were held
8 before Judge Jennifer A. Dorsey. On December 2, 2023, Judge Dorsey issued a 62-page Claim
9 Construction Order construing several of the terms in the patents-in-suit.

10 Discovery in this case has been worldwide with Defendants’ witnesses traveling from
11 China to Las Vegas for depositions and Plaintiffs’ counsel traveling from the United States to the
12 Netherlands for depositions of the inventors on certain of the Patents-in-Suit. Additionally, the
13 parties have had to search for and collect documents outside of the United States.

14 For the reasons discussed herein, the parties to this action have agreed and hereby stipulate
15 and respectfully seek the Court’s permission to further extend the following case deadlines in the
16 operative scheduling order (ECF No. 120)¹ to complete discovery:

<u>Event</u>	<u>Current Date</u>	<u>New Agreed Date</u>
Expert Designations	May 10, 2024	June 17, 2024
Rebuttal Expert Designations	June 10, 2024	July 17, 2024
Expert Discovery Cut-off	July 10, 2024	August 19, 2024
Dispositive Motion Deadline	August 12, 2024	September 18, 2024

23 The parties respectfully submit that good cause exists to extend these deadlines for the
24 reasons set forth herein. Pursuant to Local Rule 26-3, the following information is provided:

26 _____
27 ¹ On December 21, 2023, the parties filed a joint stipulation and order to extend certain discovery deadlines
28 (ECF No. 100), which was granted by the Court on December 28, 2023 (ECF No. 103). On February 1, 2024, the
parties filed a joint stipulation and order to extend certain discovery deadlines (ECF No. 119), which was granted by
the Court on February 2, 2024 (ECF No. 120).

1 **(a) A statement specifying the discovery completed.**

2 The parties have served and responded to written discovery.

3 On March 20, 2023, Plaintiffs served a first set of interrogatories and a first set of
4 documents requests.

5 On April 3, 2023, the parties served Rule 26(a) initial disclosures.

6 On April 26, 2023, Defendants served responses to Plaintiffs' first set of interrogatories
7 and first set of documents requests.

8 On May 26, 2023, Defendants served a first set of interrogatories and a first set of
9 documents requests.

10 On June 26, 2023, Plaintiffs served responses to Defendants first set of interrogatories and
11 first set of documents requests.

12 On October 27, 2023, Plaintiffs served a second set of documents requests.

13 On November 15, 2023, Plaintiffs served a third set of documents requests.

14 On November 27, 2023, Defendants served responses to Plaintiffs' second set of
15 documents requests.

16 On December 15, 2023, Defendants served responses to Plaintiffs' third set of documents
17 requests.

18 On December 15, 2023, Plaintiffs served a second set of interrogatories.

19 On January 15, 2024, Defendants served responses to Plaintiffs' second set of
20 interrogatories.

21 The parties have produced documents in response to each other's document requests. To
22 date, Plaintiffs have produced 92,659 pages of documents, Defendant LEPRO Innovation Inc. has
23 produced 1,550 pages of documents, Defendant LE Innovation Inc has produced 14 pages of
24 documents, Defendant Innovation Rules Inc. has produced 44,821 pages of documents, Defendant
25 Home Ever Inc. has produced 473 pages of documents, Defendant Letianlighting, Inc. has
26 produced 31,399 pages of documents, and Defendants have collectively produced an additional
27 8,535 pages of documents.

1 A deposition of Signify's technical expert, Dr. Regan Zane, was completed on August 25,
2 2023, in connection with the parties' claim construction briefing.

3 Defendants conducted depositions of four named inventors of the Patents-in-suit, Matthias
4 Wendt and Reinhold Elferich, on January 7 and 9, 2024, Martijn Lankhorst and Patrick Van
5 Kooten, on February 7 and 9, 2024. The witnesses and Plaintiffs' counsel for these depositions
6 were in Eindhoven, The Netherlands.

7 In addition, the following depositions of Defendants' witnesses were conducted by
8 Plaintiffs on January 15-25, 2024:

- 9 1) Rule 30(b)(6) deposition of Defendant LEPRO Innovation Inc.
- 10 2) Rule 30(b)(6) deposition of Defendant LE Innovation Inc.
- 11 3) Rule 30(b)(6) deposition of Defendant Innovation Rules Inc.
- 12 4) Rule 30(b)(6) deposition of Defendant Home Ever Inc.
- 13 5) Rule 30(b)(6) deposition of Defendant Letianlighting, Inc.
- 14 6) Individual deposition of Weiqiao Xun
- 15 7) Individual deposition of Litao Xu
- 16 8) Individual deposition of Ji Wu

17 Furthermore, the following depositions of Plaintiffs were conducted by Defendants on
18 April 17 and 18, 2024:

- 19 1) Rule 30(b)(6) deposition of Plaintiff Signify North America Corporation
- 20 2) Rule 30(b)(6) deposition of Signify Holding B.V.

21 **(b) A specific description of the discovery that remains to be completed.**

22 The depositions of Defendants' witnesses Zhikang Huang and Tianying Li remain to be
23 completed. These depositions were delayed due to motion practice of the parties and visa issues
24 of the witnesses, as set forth in more detail in section (c) below. The deposition of Mr. Huang is
25 scheduled to proceed on April 23-24, 2024, and the deposition of Ms. Li is scheduled to proceed
26 during the week of May 6-10, 2024. The parties believe that it is most efficient to complete these
27 depositions in advance of expert discovery and dispositive motions.

1 (c) **The reasons why the deadline was not satisfied or the remaining discovery was not**
2 **completed within the time limits set by the discovery plan.**

3 Plaintiffs have been attempting to schedule depositions of Defendants' witnesses since
4 August 2023. However, the scheduling of Defendants' witnesses has been impacted by disputes
5 pertaining to these depositions which has required the intervention of the Court, as well as visa
6 issues with Defendants' witnesses.

7 On August 18, 2023, Plaintiffs served their individual and Rule 30(b)(6) depositions
8 notices to Defendants. On September 23, 2023, Defendants served objections to the deposition
9 notices and informed Plaintiffs that Defendants' deposition witnesses would not be made available
10 for depositions in Las Vegas, Nevada. Plaintiffs contended that Defendants' witnesses should be
11 made available in Las Vegas, Nevada because each of the Defendants is a Nevada corporation
12 with a principal place of business in Nevada. Thereafter, the parties met and conferred, and the
13 parties reached an impasse on the location of deposition of Defendants' witnesses.

14 On October 4, 2023, Plaintiffs filed a motion to compel the depositions of Defendants'
15 witnesses in Las Vegas, Nevada. (ECF No. 69.) On October 18, 2023, Defendants opposed
16 Plaintiff's motion to compel and filed a cross-motion for protective order. (ECF Nos. 75, 76.) On
17 October 31, 2023, Plaintiffs filed a reply to their motion to compel and an opposition to
18 Defendants' cross-motion. (ECF Nos. 81, 82.) On November 8, 2023, Defendants filed a reply to
19 their cross-motion. (ECF No. 84.) On November 20, 2023, the Court (Magistrate Judge Daniel J.
20 Albrechts) held a hearing on the parties' motions and ruled in Plaintiffs' favor and ordered that
21 Defendants' witnesses to appear for depositions in Las Vegas, Nevada. (ECF No. 87.)

22 Thereafter, the parties worked to schedule depositions of Defendants' witnesses, however,
23 the parties reached disagreement on the length of the depositions of Defendants' witnesses.

24 On December 11, 2023, Plaintiffs filed a motion to compel full depositions and requested
25 the Court to order Defendants to produce each of their witnesses for the full time required by the
26 Federal Rules: one day for each individual witness, and one day per corporate entity for each
27 designated 30(b)(6) witness. On December 26, 2023, Defendants filed an opposition, and on
28

1 January 2, 2024, Plaintiffs filed a reply. On January 4, 2024, the Court (Magistrate Judge Daniel
2 J. Albrechts) held a hearing on Plaintiffs' motion and ruled in Plaintiffs' favor and ordered that
3 Defendants' witnesses to appear for full depositions as requested by Plaintiffs.

4 Defendants' witnesses Zhikang Huang and Tianying Li recently obtained visas to travel to
5 the United States. This process involved submitting visa applications and securing visa interviews
6 with the U.S. consulate in Southern China (Guangzhou). Because these witnesses were ordered to
7 have their depositions taken in the U.S. and did not have visas to allow them to travel to the U.S.,
8 Plaintiffs respectfully seek leave of Court to take depositions of these two witnesses and extend
9 the remaining case deadlines (expert discovery and dispositive motions). The parties previously
10 advised the Court that they may need to file a stipulation of extension and seek leave of Court to
11 take depositions of these witnesses beyond the current discovery deadlines if the witnesses did not
12 receive visas in time to allow them to travel for their depositions. (*See* ECF Nos. 100 and 119.)

13 The parties previously agreed, for the purpose of conserving resources of the parties and
14 the Court, that Plaintiffs would first proceed with the Rule 30(b)(6) depositions of Defendants and
15 individual depositions of Defendants' witnesses Weiqiao Xun, Litao Xu, and Ji Wu to ascertain
16 whether further depositions of Defendants' witnesses would be needed. Following these
17 depositions on January 15-25, 2024, and after reviewing the transcripts, Plaintiffs determined that
18 the depositions of Zhikang Huang and Tianying Li were needed.

19 The deposition of Mr. Zhikang Huang is scheduled to proceed in Las Vegas, Nevada on
20 April 23 and 24, 2024. The deposition of Ms. Tianying Li is scheduled to proceed during the week
21 of May 6-10, 2024, with the witness traveling to Hong Kong. While Ms. Li was ordered by the
22 Court to travel to Las Vegas, Nevada for her deposition, Defendants have provided Plaintiffs with
23 a doctor's note advising that Ms. Li should not travel long distances due to a recently diagnosed
24 medical condition. Accordingly, the parties have agreed to conduct Ms. Li's deposition remotely
25 from Hong Kong.

26 For the reasons set forth herein, Plaintiffs respectfully seek the Court's permission, and
27 Defendants consent to the relief requested herein, to extend the current discovery deadlines to
28

1 allow Plaintiffs to take the depositions of Defendants' witnesses Zhikang Huang and Tianying Li.
2 This is the second request to extend the time to take the depositions of Defendants' fact witnesses
3 Zhikang Huang (as a substitute for Jiangyu Zhou) and Tianying Li, and the third request to extend
4 expert discovery and dispositive motion deadlines.

5 **(d) A proposed schedule for completing all remaining discovery.**

6 The parties jointly proposed the following schedule for completing remaining discovery:

<u>Event</u>	<u>Current Date</u>	<u>New Agreed Date</u>
Expert Designations	May 10, 2024	June 17, 2024
Rebuttal Expert Designations	June 10, 2024	July 17, 2024
Expert Discovery Cut-off	July 10, 2024	August 19, 2024
Dispositive Motion Deadline	August 12, 2024	September 18, 2024

13 **(e) Good Cause Exists for Extending the Subject Deadlines Above.**

14 Good cause exists for the requested relief for the reasons set forth above and further stated
15 herein. The depositions of Defendants' witnesses Mr. Zhikang Huang and Ms. Tianying Li could
16 not be completed due to U.S. Visa interview delays². The parties have stipulated that Plaintiff may
17 take depositions of these witnesses and that the remaining case deadlines should be extended to
18 accommodate the taking of these depositions before expert discovery and dispositive motions.

19 The parties respectfully submit that good cause exists to extend these deadlines for the
20 reasons set forth above. No other case deadlines are affected by the requested extension.

21 WHEREFORE, the parties hereby respectfully request that the Court enter an order
22 extending the deadlines as set forth above.

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24
25
26
27 ² Plaintiffs' Statement: Defendants did not begin the visa process for Zhikang Huang and Tianying Li until
28 after the Court's November 20, 2023 decision on Plaintiffs' motion to compel depositions in Las Vegas, Nevada,
despite the fact that Plaintiffs served their deposition notices for these individuals on August 18, 2023.

1 Dated: April 23, 2024

2 Respectfully submitted,

3 /s/ F. Christopher Austin

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28 COUNSEL FOR PLAINTIFFS
Signify North America Corporation and
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IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: April 23, 2024

Respectfully submitted,

/s/ Hua Chen (by permission)

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