

CRAVATH

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The Court will hold a status conference with the parties on January 17, 2023 at 10:15 a.m. The parties shall submit a joint letter by January 10th, stating their joint or respective positions on a schedule for moving forward.

SO ORDERED.

December 6, 2022

12/8/2022


CATHY SEIBEL, U.S.D.J.

Xinuos, Inc. v. International Business Machines Corp., et al., No. 7:22-cv-09777-CS (S.D.N.Y)

Dear Judge Seibel:

This Firm represents International Business Machines Corp. (“IBM”) and Red Hat, Inc. (“Red Hat”) in the above-entitled matter. We write in response to Xinuos’ request that this Court set an initial case management conference on December 20, 2022, or any date that may be convenient for the Court.

We were retained to replace IBM’s existing counsel late in the day on Friday, December 2, 2022. I understand that IBM’s existing counsel was advised of this yesterday, December 5, 2022, and promptly made counsel for Xinuos aware of the change. As I was preparing to reach out to counsel for Xinuos myself, I was made aware of Xinuos’ letter to the Court seeking an initial case management conference.

Insofar as we have just been retained and have not yet had an opportunity to confer with IBM’s and Red Hat’s prior counsel, we respectfully request that the Court defer scheduling an initial case management conference until mid-January. This is plainly a complex case. Xinuos asserts a copyright claim, multiple claims under the federal antitrust laws, and several claims under the laws of the U.S. Virgin Islands. Deferring the initial case management conference to mid-January will afford us a meaningful opportunity to get up to speed, allow us to confer with counsel for Xinuos, and increase the probability of a productive conference.

Respectfully submitted,



David R. Marriott

Honorable Cathy Seibel
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse
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Copies to: All counsel of record (via ECF)

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