

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ROCKSTAR CONSORTIUM US LP)
AND NETSTAR TECHNOLOGIES LLC,)

Plaintiffs,)

v.)

GOOGLE INC.)

Defendant.)

Civil Action No. 13-cv-00893-RG

JURY TRIAL DEMANDED

**GOOGLE INC.’S MOTION FOR EXPEDITED BRIEFING SCHEDULE ON GOOGLE’S
MOTION FOR THE COURT TO ENTER ITS [MODEL] ORDER FOCUSING PATENT
CLAIMS AND PRIOR ART TO REDUCE COSTS, AND TO LIMIT THE NUMBER OF
ASSERTED CLAIMS, AND TO EXTEND THE DEADLINE FOR THE PARTIES TO
COMPLY WITH P.R. 4-2**

Defendant Google Inc. (“Google”) moves for an expedited briefing schedule for Google’s Motion for the Court to Enter Its [Model] Order Focusing Patent Claims and Prior Art to Reduce Costs, and to Limit the Number of Asserted Claims, and to Extend the Deadline for the Parties to Comply with P.R. 4-2 (“Motion to Reduce Claims”), filed concurrently herewith. In its Motion to Reduce Claims, Google requests that the Court enter the Model Order, limit Rockstar to 15 claims per patent and no more than 50 total by July 14, 2014, or as soon thereafter as this matter can be heard, and to extend the deadline for the parties to comply with P.R. 4-2 to July 18, 2014. Google proposes that the following expedited schedule be entered for the briefing on Google’s Motion to Reduce Claims:

- Rockstar’s Opposition shall be due on Tuesday, July 8, 2014;
- Google’s Reply shall be due on Wednesday, July 9, 2014; and
- Rockstar’s Sur-reply shall be due on Thursday, July 10, 2014.

An expedited briefing schedule is warranted here because the parties have imminent upcoming claim construction deadlines. (Dkt. No. 68.) The parties proposed terms to be construed pursuant to P.R. 4-1 on June 24. The following deadlines are upcoming:

July 15, 2014	Comply with P.R. 4-2 (Exchange Preliminary Claim Construction)
August 5, 2014	Comply with P.R. 4-3 (Joint Claim Construction Statement)
September 2, 2014	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)

(Dkt. No. 68.) Claim construction briefing follows in September 2014. (*Id.*)

An expedited briefing schedule is necessary because, if Google’s Motion to Reduce Claims is briefed under the schedule in Local Rule CV-7, it will not be fully briefed until August 11, which is after the July 14 date by which Google proposes Rockstar be ordered to make an initial reduction in the number of asserted claims, and after the deadline for the parties to comply

with P.R. 4-2. Thus, the parties will have already expended resources proposing claim constructions and providing extrinsic evidence in support thereof, negotiating proposed constructions, and preparing the joint claim construction statement for the currently asserted 141 claims. As explained in Google's Motion to Reduce, Google would have brought its motion a week ago, but believed based on Rockstar's representations that the parties had resolved the dispute. This further compressed the timing for resolution of this issue. A quicker resolution of Google's Motion to Reduce will benefit both parties given the upcoming deadlines. (Dkt. No. 68.)

Google proposed the above schedule to Rockstar, but Rockstar refused to agree to an expedited briefing schedule and did not provide an explanation.

For the foregoing reasons, the Court should enter an order granting Google's proposed expedited briefing schedule on Google's Motion to Reduce.

DATED: July 2, 2014

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By /s/ David A. Perlson

J. Mark Mann
State Bar No. 12926150
G. Blake Thompson
State Bar No. 24042033
MANN | TINDEL | THOMPSON
300 West Main Street
Henderson, Texas 75652
(903) 657-8540
(903) 657-6003 (fax)

QUINN EMANUEL URQUHART &
SULLIVAN, LLP
Charles K. Verhoeven
charlesverhoeven@quinnemanuel.com
David A. Perlson
davidperlson@quinnemanuel.com
50 California Street, 22nd Floor
San Francisco, California 94111-4788
Telephone: (415) 875 6600
Facsimile: (415) 875 6700

Attorneys for Google Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on July 2, 2014.

/s/ Andrea Pallios Roberts

Andrea Pallios Roberts

CERTIFICATE OF CONFERENCE

I hereby certify that the parties have met and conferred telephonically pursuant to Local Rule CV-7(h) on June 19, 2014, and counsel for Rockstar opposed Google's request for an expedited briefing schedule on Google's Motion for the Court to Enter Its [Model] Order Focusing Patent Claims and Prior Art to Reduce Costs, and to Limit the Number of Asserted Claims, and to Extend the Deadline for the Parties to Comply with P.R. 4-2. Participants in the conference included Justin Nelson, John Lahad, and Elizabeth DeRieux counsel for Rockstar, and David A. Perlson, Andrea Pallios Roberts, and Lance Yang, on behalf of Google. No agreement could be reached.

/s/ Andrea Pallios Roberts

Andrea Pallios Roberts