

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PARALLEL NETWORKS, LLC,

Plaintiff,

v.

ADIDAS AMERICA, INC., et al.

Defendants.

Civil Action No. 6:10-CV-00491

JURY TRIAL DEMANDED

**DEFENDANT KOHL'S DEPARTMENT STORES, INC.'S NOTICE OF
JOINDER IN JOINT MOTION BY
ALL 6:10-CV-00111 PARTIES TO BIFURCATE DAMAGES ISSUES**

As the Court is aware, there are pending four separate actions in which the plaintiff, Parallel Networks, LLC, has asserted the same patent against more than 120 defendants. At the recent scheduling conference in three of the actions, the Court invited suggestions from the parties for the efficient management of the cases. Defendant Kohl's Department Stores, Inc. (Kohl's) respectfully submits that bifurcating liability from damages, for both discovery and trial, is the first¹ global efficiency measure available to the Court. Consequently, Kohl's respectfully joins the agreed motion for bifurcation filed in *Parallel Networks, LLC v. Abercrombie & Fitch Co., et al*, No. 6:10-cv-00111 (E.D. Tex. filed March 29, 2010) (Joint Motion by All Parties to Bifurcate Damages Issues, Dkt. No. 307), as though filed in the present matter and extending the same relief to Kohl's in the present matter, to promote the efficient resolution of this case.

¹ In accordance with the Court's January 4, 2011 directive, the parties also are exploring additional avenues for enhancing efficiency, and will present these on or before the February 10, 2011 hearing set by the Court.

Dated: January 24, 2011

Respectfully submitted,

By: /s/ J. Thad Heartfield

J. Thad Heartfield

Texas Bar No. 09346800

M. Dru Montgomery

Texas Bar No. 24010800

The Heartfield Law Firm

2195 Dowlen Road

Beaumont, Texas 77706

Telephone: (409) 866-3318

Fax: (409) 866-5789

E-mail: thad@jth-law.com

dru@jth-law.com

Kenneth J. Jurek

John G. Bisbikis

Brett E. Bachtell

McDermott Will & Emery LLP

227 West Monroe Street

Chicago, Illinois 60606

Telephone: (312) 372-2000

Fax: (312) 984-7700

E-mail: kjurek@mwe.com

E-mail: jbisbikis@mwe.com

E-mail: bbachtell@mwe.com

Attorneys for Defendant Kohl's
Department Stores, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who 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 this the 24th day of January, 2011. Any other counsel of record will be served by first class mail.

/s/ J. Thad Heartfield
J. Thad Heartfield