

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

**OPTIS WIRELESS TECHNOLOGY,  
LLC, ET AL.,**

**Plaintiffs,**

**v.**

**APPLE INC.,**

**Defendant.**

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**CIVIL ACTION NO. 2:19-CV-00066-JRG**

**ORDER**

Before the Court is the parties' Joint Motion to Amend the Docket Control Order (the "Motion"). (Dkt. No. 115.) In the Motion, the parties offer competing proposals to extend various deadlines in the Docket Control Order emanating from the health emergency created by COVID-19, which is particularly acute in the Bay Area of California.<sup>1</sup> Having considered the parties' positions and for the reasons set forth herein, the Court is of the opinion that the Motion should be and hereby is **GRANTED-IN-PART**.

It is therefore **ORDERED** that the deadline to complete fact discovery in the above-captioned case is extended by **30 days**. This partial grant is without prejudice to further requests to extend this or other deadlines. The parties are further **ORDERED** to meet and confer and, within 14 days of the issuance of this Order, submit a proposed amended docket control order reflecting this extension and any other extensions the parties believe are appropriate in light of this Order.

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<sup>1</sup> The Court notes that since the filing of this Motion, the shelter-in-place order effective in the Bay Area has been extended to all of California. Other states, including the state in which this Court sits, continue to issue additional regulations in order to combat the spread of COVID-19.

Defendant correctly notes that governmental advisories and restrictions, including those of this Court, are rapidly changing as the country continues to respond to the evolving public health emergency. (Dkt. No. 115 at 6–7.) The Court commends the parties to renew their meet and confer efforts mindful of these evolving realities. To aid this meet and confer process, the Court provides the following guidance:

The parties should be mindful to keep adequate time between deadlines so as to effectively prosecute this case. Particularly, there should be two weeks between the dispositive motions deadline and the deadline for responses thereto. There should be at least four weeks between the response to dispositive motions deadline and the pre-trial conference.


The Court does not expect any attorney, witness, court reporter, or other person to jeopardize their health or violate federal, state, or local public health orders in order to meet a discovery deadline. If a specific deposition or request for discovery would cause such to happen, the parties should identify the specific issue with particularity in any request for relief. Requests to extend discovery past otherwise later deadlines should identify the particular depositions or requests for discovery that will occur after such later deadlines.

Defendant raises the prospect of having to ship large quantities of documents to various persons in order to conduct remote depositions. The Court encourages the parties to consider various services that allow deposition exhibits to be presented digitally and remotely.<sup>2</sup> Such may allow more effective depositions without the need for attorneys or staff to violate “social distancing” advisories in order to compile and ship exhibits.

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<sup>2</sup> See, e.g., <https://www.agilelaw.com>; <https://www.edepoze.com>. The Court offers these examples for illustrative purposes only. The Court does not endorse any particular product or service.

**So ORDERED and SIGNED this 20th day of March, 2020.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE