

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

WHEREVERTV, INC.

Plaintiff,

vs.

COMCAST CABLE
COMMUNICATIONS, LLC,

Defendant

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Case No. 2:18-cv-529-FtM-32NPM

UNOPPOSED MOTION FOR LEAVE TO EXTEND EXPERT REPORT DEADLINES

Defendant Comcast Cable Communications, LLC (“Comcast”) files this Unopposed Motion for Leave to Extend Expert Report Deadlines. Specifically, Comcast requests leave to extend the deadline for the disclosure of expert reports on issues where the party bears the burden of proof from February 14, 2020 to instead be due 30 days after the Court’s ruling on claim construction. Furthermore, Comcast requests leave to extend the deadline for the disclosure of rebuttal expert reports from March 16, 2020 to instead be due 60 days after the Court’s ruling on claim construction. Plaintiff WhereverTV, Inc. (“WTV”) does not oppose this modification to the schedule and agrees with the reasons set forth below for extending these expert deadlines. WTV has stated, however, that it would likely oppose any extension of the October trial term.

There are two reasons for the motion. First, with this extension for expert reports, the parties can serve reports under legally-operative, Court-adopted claim constructions. As currently scheduled, the parties would need to bear the burden and cost of proving their cases under two sets of proposed claim constructions—Plaintiff’s and Defendant’s. Second, with the requested delay, the parties avoid the potential need of re-doing expert discovery in the event that the Court adopts constructions different from those proffered by the parties.

Depending on when the Court schedules the claim-construction hearing and issues its claim-construction ruling, this request to extend the expert-report deadlines may have no effect on any other Court deadline.

CONCLUSION

For the foregoing reasons, Comcast respectfully moves the Court to extend the opening and rebuttal expert-report deadlines to instead be due 30 and 60 days, respectively, after the Court issues its ruling on claim construction.

Respectfully submitted,

/s/ Traci T. McKee

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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that, on January 13, 2020, I filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing on all counsel of record including, but not limited to, the following counsel for defendant:

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/s/ Traci T. McKee