

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

DALI WIRELESS, INC.,

Plaintiff

v.

**CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS, VERIZON
CORPORATE SERVICES GROUP
INC., VERIZON ONLINE LLC,
COMMSCOPE HOLDING
COMPANY, INC., COMMSCOPE,
INC., COMMSCOPE
TECHNOLOGIES LLC, ERICSSON
INC., TELEFONAKTIEBOLAGET LM
ERICSSON, CORNING INC., and
CORNING OPTICAL
COMMUNICATIONS LLC,**

Defendants

Case No. 6:22-cv-00104-ADA

JURY TRIAL DEMANDED

**ORDER SEVERING CASES AND TRANSFERRING CASE AGAINST COMMSCOPE
AND VERIZON TO THE EASTERN DISTRICT OF TEXAS**

Before the Court is Plaintiff Dali Wireless, Inc. (“Dali”) and Defendants Cellco Partnership d/b/a Verizon Wireless, Verizon Corporate Services Group Inc., Verizon Online LLC (collectively, the “Verizon Defendants”), CommScope Holding Company, Inc., CommScope Inc., CommScope Technologies LLC (collectively, the “CommScope Defendants”), Ericsson Inc., Telefonaktiebolaget LM Ericsson (collectively, the “Ericsson Defendants”), and Corning Inc., and Corning Optical Communications LLC’s (collectively, the “Corning Defendants”) Stipulation Regarding Narrowing of Issues (ECF No. 77) and Plaintiff Dali and Defendants CommScope and Verizon’s Agreed Joint Motion to Transfer Severed Action to the Eastern District of Texas (ECF

No. 92).

In the Stipulation Regarding Narrowing of Issues (ECF No. 77), the parties jointly request the Court to sever the above-captioned case into three actions: (1) a case against Verizon and CommScope Defendants, (2) a case against the Verizon and Ericsson Defendants, and (3) a case against the Verizon and Corning Defendants. ECF No. 77 at 2. The parties request the Court to consolidate the cases for pretrial purposes. *Id.* After severance, Defendants agree to not move to transfer venue to any other court with the exception of CommScope's already pending Opposed Motion to Dismiss for Improper Venue or to Transfer Venue to the Eastern District of Texas (ECF No. 64). ECF No. 77 at 2. The parties reserve all rights as to the Opposed Motion to Sever and Stay (ECF No. 75). ECF No. 77 at 3.

In the Agreed Joint Motion to Transfer Severed Action to the Eastern District of Texas (ECF No. 92), the parties agree to transfer the cause of action exclusively against CommScope and Verizon related to Verizon's use of CommScope's products in Verizon's Networks and CommScope's counterclaims against Dali to the United States District Court for the Eastern District of Texas. ECF No. 92 at 2.

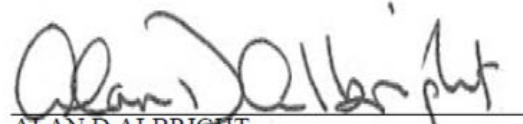
Noting that the request to sever the action into three separate cases is joint, the Court hereby **GRANTS** the request. The Court's Clerk is directed to sever: (1) the action against Verizon and Ericsson related to Verizon's use of Ericsson products in Verizon's Networks and Ericsson's counterclaims, and (2) the action against Verizon and Corning related to Verizon's use of Corning products in Verizon's Networks. The new cases will be **CONSOLIDATED** with the above-captioned case for pretrial purposes. The present scheduling order (ECF No. 55) will govern all three actions. This order does not affect the Opposed Motion to Sever and Stay (ECF No. 75), and the motion remains pending in all three actions.

In the severed action against Verizon and Corning, the Court's Clerk is directed to include Plaintiff's complaint (ECF No. 1), Notice of Filing of Patent/Trademark Form (ECF No. 3), Verizon's Answer (ECF No. 36), Corning's Answer (ECF No. 33), the Scheduling Order (ECF No. 55), Notice of Joint Case Readiness Status Report (ECF No. 52), Claim Construction Briefing (ECF Nos. 63, 76, 79, 83, 86), Protective Order (ECF No. 71), Opposed Motion to Sever and Stay Briefing (ECF Nos. 75, 78, 80), Order Appointing Technical Advisor (ECF No. 81), Opposed Motion for Leave to File Supplemental Claim Construction Brief Briefing (ECF No. 87, 88, 90), and Order Setting Markman Hearing (ECF No. 89).

In the severed action against Verizon and Ericsson, the Court's Clerk is direct to include Plaintiff's complaint (ECF No. 1), Notice of Filing of Patent/Trademark Form (ECF No. 3), Verizon's Answer (ECF No. 36), Ericsson's Answer (ECF No. 44), Plaintiff's Answer to Ericsson's Counterclaims (ECF No. 46), Notice of Joint Case Readiness Status Report (ECF No. 52), the Scheduling Order (ECF No. 55), Claim Construction Briefing (ECF Nos. 63, 76, 79, 83, 86), Protective Order (ECF No. 71), Opposed Motion to Sever and Stay Briefing (ECF Nos. 75, 78, 80), Order Appointing Technical Advisor (ECF No. 81), Opposed Motion for Leave to File Supplemental Claim Construction Brief Briefing (ECF No. 87, 88, 90), and Order Setting Markman Hearing (ECF No. 89).

Further, noting that the motion to transfer the action against the CommScope and Verizon Defendants to the Eastern District of Texas is agreed and joint, the Court hereby **GRANTS** the motion. The Court's Clerk is directed to transfer the action against CommScope and Verizon related to Verizon's use of CommScope's products in Verizon's Networks and CommScope's counterclaims to the District Court for the Eastern District of Texas.

SIGNED this 27th day of December, 2022.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE