Case: 20-144 Document: 34 Page: 1 Filed: 09/16/2020

No. 20-144

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

IN RE GOOGLE LLC,

Petitioner

On Petition for a Writ of Mandamus to the United States District Court for the Eastern District of Texas in case no. 2:19-cv-00090-JRG, Chief Judge J. Rodney Gilstrap

NOTICE OF CHANGE IN DATE OF JURY SELECTION AND TRIAL

Andrew T. Dufresne

PERKINS COIE LLP

33 East Main Street, Suite 201

Madison, Wisconsin 53703

PERKINS COIE LLP

3 Weatherby Road

Hanover, New Hampshire 03755

Phone: (608) 663–7492 Phone: (602) 351–8250

E-mail: ADufresne@perkinscoie.com E-mail: DBagatell@perkinscoie.com

Charles K. Verhoeven Carl G. Anderson David A. Perlson

QUINN EMANUEL URQUHART & SULLIVAN, LLP 50 California Street, 22nd Floor San Francisco, California 94111

Phone: (415) 875–6700

E-mail: charlesverhoeven@quinnemanuel.com

Attorneys for Petitioner Google LLC

September 16, 2020

In a notice earlier this month, Google advised this Court that the district court had moved the date of jury selection forward from October 19 to October 1 but had invited the parties to identify any conflicts with the new date. After considering the parties' submissions and Google's motion for a continuance, the district court has now ordered that jury selection and trial will begin on November 2. The pretrial conference at which the district court is expected to address the parties' summary judgment motions, motions *in limine*, and other issues has been reset for October 19 and 21. The district court's order is attached.

Respectfully submitted,

QUINN EMANUEL URQUHART PERKINS COIE LLP

& SULLIVAN, LLP

/s/Charles K. Verhoeven /s/Dan L. Bagatell

Charles K. Verhoeven Dan L. Bagatell

Counsel for Petitioner Google LLC

EXHIBIT

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

PERSONALIZED MEDIA \$
COMMUNICATIONS, LLC, \$
CIVIL ACTION NO. 2:19-CV-00090-JRG

Plaintiff, \$
v. \$
GOOGLE LLC, \$
Defendant.

ORDER

Before the Court is Defendant Google LLC's ("Google") Motion to Continue Trial (the "Motion"). (Dkt. No. 356). In the Motion, Google requests a 90-day continuance of the jury selection date currently scheduled for October 1, 2020 for, among other reasons, the unavailability of witnesses due to other litigation. (*Id.* at 3–4). Plaintiff Personalized Media Communications, LLC is opposed to the Motion, but also notes that certain of its witnesses are also unavailable for the October 1, 2020 jury selection date. (Dkt. No. 355).

Accordingly, the Court finds that the Motion should be and hereby is **GRANTED-AS-MODIFED**. The Court **re-sets** the above-captioned case for jury selection and trial on **November 2, 2020** with pretrial conference on **October 19, 2020** and **October 21, 2020**.

So ORDERED and SIGNED this 14th day of September, 2020.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF AUTHORITY

I certify that I have the authority of my co-counsel Charles K. Verhoeven to file this document with his electronic signature.

Dated: September 16, 2020 /s/Dan L. Bagatell

Dan L. Bagatell

PROOF OF SERVICE

I further certify that on September 16, 2020, I caused a paper copy of the confidential version of this document to be mailed to the presiding district judge at the following address:

Chief Judge J. Rodney Gilstrap United States District Court for the Eastern District of Texas Sam B. Hall, Jr. Federal Building and United States Courthouse 100 E. Houston Street Marshall, Texas 75670

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: September 16, 2020

/s/Dan L. Bagatell

Dan L. Bagatell