

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

E-NUMERATE SOLUTIONS, INC. and
E-NUMERATE, LLC,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

C.A. No. 19-859-RTH

JOINT MOTION TO EXTEND DEADLINE

Plaintiffs e-Numerate Solutions, Inc. and e-Numerate, LLC (collectively “e-Numerate”) and Defendant United States (“the Government”) jointly move this Court to modify certain deadlines in this matter discussed in the Status Conference of October 7, 2022. *See* ECF No. 97. The parties have been working to group disputed claim terms in order to present the issues in a meaningful manner to the Court, stipulating to a dismissal with prejudice of Count VIII of the Second Amended Complaint (ECF No. 53) that is directed to the alleged infringement of U.S. Patent No. 10, 423,708, and providing additional dictionary definitions requested by the Court and an *ex parte* reexamination certificate. The parties met and conferred with each other about the format of these documents but due to scheduling conflicts that caused the meet and confer process to take longer than expected were unable to finalize the submissions by the due date set forth in the Court’s Order. The parties apologize to the Court for this delay and respectfully move the Court to extend the deadline set in this Court’s Order of October 7, 2022 (ECF No. 97) to the time at which it rules upon this motion and deem the attached revised Joint Claim Construction

Statement and previously filed Joint Stipulation of Dismissal (ECF No. 101) as filed as of that time.¹

Respectfully submitted,

Dated: October 20, 2022

/s/ Sean T. O'Kelly (with permission)

Sean T. O'Kelly
Gerard M. O'Rourke
O'KELLY & O'ROURKE, LLC
824 N. Market Street, Suite 1001A
Wilmington, DE 19801
302-778-4000
sokelly@okorlaw.com
gorourke@okorlaw.com

Attorneys for Plaintiffs

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

GARY L. HAUSKEN
Director

s/ Shahar Harel

SHAHAR HAREL
Commercial Litigation Branch
Civil Division
Department of Justice
Washington, DC 20530
Email: Shahar.Harel@udsoj.gov
Telephone: (202) 305-3075
Facsimile: (202) 307-0345

Of Counsel:
SCOTT BOLDEN
NELSON KUAN
Department of Justice

*COUNSEL FOR THE UNITED STATES OF
AMERICA*

¹ Alternatively, if the Court prefers, the parties will separately refile these after the Court has ruled on this motion.

I hereby certify that a true copy of this motion was sent by electronic mail this 20th day of
October 2022 to:

Sean T. O'Kelly
Gerard M. O'Rourke
O'KELLY & O'ROURKE, LLC
824 N. Market Street, Suite 1001A
Wilmington, DE 19801
302-778-4000
sokelly@okorlaw.com
gorourke@okorlaw.com

Of Counsel:
SCOTT BOLDEN
NELSON KUAN
U.S. Department of Justice

s/ Shahar Harel
SHAHAR HAREL
Trial Attorney
Intellectual Property Section
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
Washington, DC 20530
Shahar.Harel@usdoj.gov
Tel: (202) 305-3075
Fax: (202) 307-0345

Attorney for the Defendant,
the United States of America.

Date: October 20, 2022