

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

Judge Ryan T. Holte

DEFENDANT'S UNOPPOSED MOTION TO AMEND THE BRIEFING SCHEDULE

Defendant United States (“Defendant” or the “Government”) hereby moves this Court to amend the current briefing schedule for supplemental claim construction briefs, *see* ECF 109 at *95, in this matter due to the temporary unavailability of its expert witness. The additional time will allow Defendant’s expert to incorporate the Court’s recent decision into his supplemental report. Defendant seeks seven (7) extra days and this is its first motion to amend the schedule for the supplemental briefing. Defendant also seeks that Plaintiffs’ time to respond also be extended by a commensurate seven (7) days.

WHEREFORE, one member of Defendant’s team was travelling abroad since the Court issued its *Markman* Order and has been unavailable;

WHEREFORE, the additional time will allow Defendant and its expert to incorporate the Court’s recent claim construction into the supplemental report and supplemental brief;

WHEREFORE, Defendant respectfully moves this Court to amend the current briefing schedule as follows, which the Plaintiffs do not oppose:

Event	Prior Deadline	New Deadline
Government shall file its supplemental brief regarding the indefiniteness terms and supplemental expert report	5 April 2023	12 April 2023
Plaintiffs to file their response	19 April 2023	26 April 2023

March 28, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

GARY L. HAUSKEN
Director

s/ Shahar Harel

SHAHAR HAREL
Trial Attorney
Commercial Litigation Branch
Civil Division

Of Counsel:
SCOTT BOLDEN
NELSON KUAN
Department of Justice

Department of Justice
Washington, DC 20530
Email: Shahar.Harel@USDOJ.gov
Telephone: (202) 305-3075
Facsimile: (202) 307-0345
*COUNSEL FOR THE UNITED STATES OF
AMERICA*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this filing was sent by electronic mail this 28th day of March

2023 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: March 28, 2023