

In the United States Court of Federal Claims

No. 19-859

(Filed: 14 December 2020)

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

Plaintiffs, *

v. *

THE UNITED STATES, *

Defendant *

ORDER

On 23 November 2020, the Court issued an order scheduling claim construction briefing and directing the parties to file a joint protective order on or before 14 December 2020. *See* Order, ECF No. 36. On 14 December 2020, the parties filed a joint motion requesting the Court “extend the deadlines for submitting the Protective Order in this matter and several dates relating to the initial disclosures set forth in the Court of Federal Claims Patent Rules.” *See* Joint Mot. to Extend Certain Deadlines, ECF No. 37. Specifically, the parties request the Court modify the claim construction briefing schedule with respect to plaintiffs’ deadline to serve preliminary infringement contentions, plaintiffs’ deadline to serve documents related to the preliminary infringement contentions, the government’s deadline to serve its preliminary invalidity contentions, and the government’s deadline to serve documents related to its preliminary invalidity contentions. *Id.*

The parties express they “have made significant progress on the negotiation of the [Protective] Order” and an extension of time to submit the joint protective order is necessary to allow for the parties to engage in “additional discussions.” *Id.* at 2. The parties further express an extension of the deadline for plaintiffs to serve preliminary infringement contentions is necessary “to accommodate a scheduling conflict Plaintiffs’ attorneys have in an unrelated matter,” and “[t]he extension of the deadline for the document production accompanying the infringement contentions is [necessary] to allow for the processing of the documents.” *Id.* Finally, the parties state the request for extensions of the deadlines for the government to serve preliminary infringement contentions and make the accompanying document production are “to account for the extension granted to [p]laintiffs.” *Id.*

For good cause shown, the parties’ joint motion is **GRANTED**. The parties **SHALL FILE** a joint protective order, or their respective positions on a proposed protective order, on or

before **21 December 2020**. Further, the Court adopts the following modified claim construction briefing schedule.

Event	Prior Deadline	New Deadline
Plaintiffs serve preliminary infringement contentions	14 December 2020	15 December 2020
Plaintiffs serve documents related to preliminary infringement contentions	14 December 2020	18 December 2020
The government serves preliminary invalidity contentions	16 February 2021	17 February 2021
The government serves documents related to preliminary invalidity contentions	16 February 2021	19 February 2021
Parties exchange claim terms for construction	1 March 2021	1 March 2021
Parties exchange proposed claim constructions	15 March 2021	15 March 2021
Parties disclose extrinsic evidence they may rely upon for claim construction	22 March 2021	22 March 2021
Deadline to meet and confer to narrow terms in dispute and exchange revised constructions	29 March 2021	29 March 2021
Plaintiff files opening claim construction brief	5 April 2021	5 April 2021
Government files responsive claim construction brief	26 April 2021	26 April 2021
Plaintiff files reply claim construction brief	10 May 2021	10 May 2021
Government files sur-reply claim construction brief	24 May 2021	24 May 2021
Parties submit joint claim construction statement	27 May 2021	27 May 2021
Parties submit joint technical tutorial to the Court	1 June 2021	1 June 2021
<i>Markman</i> hearing	Approximately two weeks after government files its sur-reply claim construction brief	Approximately two weeks after government files its sur-reply claim construction brief

IT IS SO ORDERED.

s/ Ryan T. Holte
RYAN T. HOLTE
Judge