

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 CERTAIN DEADLINES

Plaintiffs e-Numerate Solutions, Inc. and e-Numerate, LLC (collectively “e-Numerate”) and Defendant United States (“the Government”) jointly move this Court to modify the deadlines in this matter and several dates relating to the initial disclosures set forth in the Patent Rules of the Court of Federal Claims (“PRCFC”). Specifically, the parties respectfully request that the Court extend the deadlines as follows:

Event	Current Deadline	Proposed Deadline
Plaintiffs to Serve Updated Preliminary Infringement Contentions	N/A	February 26, 2021
Government Serves Preliminary Invalidity Contentions Pursuant to PRCFC 6	February 17, 2021	March 26, 2021 ¹
Government Serves Documents Related to Preliminary Invalidity Contentions Pursuant to PRCFC 7(a)	February 19, 2021	Unchanged

¹ If, after receiving Plaintiffs’ Updated Preliminary Infringement Contentions of February 26, 2021, Defendant requires additional time to serve its Preliminary Invalidity Contentions (and associated documents under PRCFC 7(b)), Plaintiff agrees that Defendant may request additional time up to four weeks for this milestone, and Plaintiffs will not unreasonably withhold consent.

Government Serves Documents Related to Preliminary Invalidation Contentions Pursuant to PRCFC 7(b)	February 19, 2021	March 26, 2021
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The parties request the extension of these dates for the following reasons. Over the course of the past two months, Defendant has reviewed preliminary infringement contentions served by Plaintiffs and related correspondence and engaged in discussions with Plaintiffs regarding those contentions. Among the issues discussed were Defendant's allegations regarding the adequacy of Plaintiffs' contentions and that Plaintiffs included assertions of infringement against Government agencies other than the Securities and Exchange Commission ("SEC") in their infringement contentions. In order to minimize motion practice and streamline issues before the Court relating to those disclosures, the parties agreed that Plaintiffs may serve updated preliminary infringement contentions and that Defendant may serve its preliminary invalidity contentions as indicated herein. The parties further agreed that Plaintiffs would provide a proposed amended Complaint for the Government's review that, *inter alia*, may add infringement allegations against additional government agencies besides the SEC. The parties are not requesting these adjustments for reason of delay and no party will be prejudiced.

In light of the foregoing, the parties jointly seek a telephonic status conference by early March or at the Court's convenience regarding the need for modification to upcoming claim construction deadlines and potential amendment of the Complaint to add infringement allegations against additional government agencies.

Dated: February 16, 2021

Respectfully submitted,

O'KELLY & ERNST, LLC

/s/ Sean T. O'Kelly

Sean T. O'Kelly
824 N. Market Street, Suite 1001A
Wilmington, Delaware 19801
Tel.: (302) 778-4000
Fax: (302) 295-2873
sokelly@oelegal.com

and

O'ROURKE LAW OFFICE, LLC

Gerard M. O'Rourke
1201 N. Orange Street
Suite 7260
Wilmington, DE 19801-1186
(484) 770-8046
gorourke@orourkefirm.com

*Attorneys for Plaintiffs e-Numerate
Solutions, Inc. and e-Numerate LLC*

Respectfully submitted,

BRIAN M. BOYNTON
Acting 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

*COUNSEL FOR THE UNITED STATES OF
AMERICA*

Of Counsel:
SCOTT BOLDEN
NELSON KUAN
Department of Justice

ELIZABETH MCFADDEN
Deputy General Counsel
GEORGE C. BROWN
Assistant General Counsel
Office of the General Counsel
U.S. Securities and Exchange
Commission