

Harel, Shahar (CIV)

From: Harel, Shahar (CIV)
Sent: Thursday, January 13, 2022 5:07 PM
To: gorourke@okorlaw.com; Bolden, Scott (CIV); Kuan, Nelson (CIV)
Cc: 'Sean O'Kelly'; 'Laura Carrig'
Subject: RE: [EXTERNAL] e-Numerate v United States - Joint Motion To Amend Claim Construction Order
Attachments: 2022.1.13 Joint Motion To Amend Order Governing Claim Construction Proceedings USJan13.docx

Tracking:	Recipient	Read
	gorourke@okorlaw.com	
	Bolden, Scott (CIV)	Read: 1/13/2022 5:09 PM
	Kuan, Nelson (CIV)	Read: 1/13/2022 5:07 PM
	'Sean O'Kelly'	
	'Laura Carrig'	

Jerry,

Thank you for sending this over. However, as previously expressed, we believe that e-Numerate should reduce the number of asserted claims and disputed claims terms to a reasonable number. Given that the default order allows no more than 12 disputed terms for a case with 5 or more patents, we will not oppose a motion to brief 15 terms provided e-Numerate reduces the number of asserted claims to no more than 60. If e-Numerate is insisting on more asserted claims and disputed terms (with respect to Defendant's proposed constructions), you may file a motion seeking leave to do so and indicate our opposition.

In terms of the page limits we can join in a motion with e-Numerate that the parties may use a common appendix that includes the list of terms with both sides' proposed constructions without any attorney argument as shown in the attached. However, given that you have refused to provide this chart we cannot join in with respect to any representations as to the length of this appendix. Since you appear to already have this appendix prepared please provide it to us before filing this motion so that we can confirm it is accurate. Given that this appendix will not contain attorney argument and will be included with the briefs, we fail to understand your concern regarding waiving privilege.

Regards,
 Shahar

From: gorourke@okorlaw.com <gorourke@okorlaw.com>
Sent: Wednesday, January 12, 2022 4:47 PM
To: Harel, Shahar (CIV) <Shahar.Harel@usdoj.gov>; Bolden, Scott (CIV) <Scott.Bolden@usdoj.gov>; Kuan, Nelson (CIV) <Nelson.Kuan@usdoj.gov>
Cc: 'Sean O'Kelly' <sokelly@okorlaw.com>; 'Laura Carrig' <lcarrig@okorlaw.com>
Subject: [EXTERNAL] e-Numerate v United States - Joint Motion To Amend Claim Construction Order

Shahar,

Please see the attached joint motion and kindly let us have your comments. We will need a current signature block for the DOJ team to include it.

If you believe a telephone call would be productive, please let us know. Thanks.

Very truly yours,

Jerry

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