

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

**PLAINTIFFS' DISCLOSURE OF EXTRINSIC
EVIDENCE THAT PLAINTIFFS MAY RELY UPON
FOR CLAIM CONSTRUCTION**

Pursuant to the Court's Order of November 9, 2021 (D.I. 64), Plaintiffs e-Numerate Solutions, Inc. and e-Numerate, LLC (collectively "e-Numerate") hereby provide the following preliminary disclosure of extrinsic evidence that Plaintiffs may rely upon for claim construction.

Plaintiffs have sued the United States of America ("the Defendant") for infringement of United States Patents 7,650,355 ("the '355 patent"); 8,185,816 ("the '816 patent"); 9,262,383 ("the '383 patent"); 9,262,384 ("the '384 patent"); 9,268,748 ("the '748 patent"); 9,600,842 ("the '842 patent"); 10,223,337 ("the '337 patent"); and 10,423,708 ("the '708 patent") (collectively, "the Asserted Patents").

Plaintiffs' preliminary disclosure of extrinsic evidence that Plaintiffs' may rely upon for claim construction is as follows:

1. All prior art submitted to the United States Patent and Trademark Office

(“USPTO”) in connection with the prosecution of the Asserted Patents, related e-Numerate patents, and the applications which led to those patents;

2. All prior art submitted to the USPTO in connection with any *inter partes* review of the Asserted Patents;
3. The Microsoft Computer Dictionary Fourth Edition; and
4. https://techterms.com/definition/markup_language.

e-Numerate reserves the right to additional extrinsic evidence including, but not limited to, in response to extrinsic evidence identified by Defendant.

Dated: December 3, 2021

Respectfully submitted,

/s/ Sean T. O’Kelly

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