

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 AMEND THE SCHEDULING ORDER

Pursuant to the status conference held on 25 January 2022, Plaintiffs e-Numerate Solutions, Inc., and e-Numerate, LLC (collectively “e-Numerate” or “Plaintiffs”) and Defendant United States move this Court to amend the current Scheduling Order (D.I. 66) as follows.

EVENT	PRIOR DEADLINE	NEW DEADLINE
Defendant serves any supplemental expert declaration it may rely upon for indefiniteness terms or terms to be construed under § 112 ¶ 6 ¹	-	11 February 2022
Deadline to meet and confer to narrow terms in dispute	-	18 February 2022
Plaintiffs file their opening claim construction briefs and	24 January 2022	11 March 2022

¹ Plaintiffs agree that they will not move to strike this declaration as late.

any expert declaration they may rely upon ²		
The government files its responsive claim construction briefs	28 February 2022	25 April 2022
Plaintiffs file their reply claim construction briefs	14 March 2022	9 May 2022
The government files its sur-reply claim construction briefs	28 March 2022	23 May 2022
Plaintiffs file their sur reply claim construction brief regarding indefiniteness terms	-	6 June 2022
The parties submit the joint claim construction statement and propose dates for the Markman hearing	4 April 2022	13 June 2022
If desired, parties may submit joint technical tutorial to the Court	11 April 2022	20 June 2022
Markman Hearing	To be scheduled	To be scheduled
Deadline for the government to produce technical documents for additional agencies named in the second amended complaint	25 April 2022	5 July 2022

Dated: February 8, 2022

Respectfully submitted,

/s/ Sean T. O'Kelly (with permission)

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²As discussed at the status conference held on 25 January 2022, the parties will file parallel briefs on the same date including a main brief and a second brief directed to indefiniteness terms and/or terms to be construed under § 112 ¶ 6.

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CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing was sent by e-mail this 8th day of February 2022 to:

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Date: February 8, 2022