

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' UNOPPOSED MOTION TO AMEND THE
SCHEDULING ORDER**

Plaintiffs e-Numerate Solutions, Inc., and e-Numerate, LLC (collectively “e-Numerate” or “Plaintiffs”) hereby moves this Court to amend the current Scheduling Order (D.I. 75) in this matter in light of a medical condition incurred by a child of a member of Plaintiffs’ trial team that required emergency medical attention. The parties met and conferred, and the Government does not oppose this motion. In support thereof, Plaintiffs aver as follows.

WHEREAS a child of a member of Plaintiffs’ trial team suffered a medical condition on March 9, 2022 that required a trip to the emergency room;

WHEREAS the member of Plaintiffs’ trial team was delayed in finalizing the claim construction briefs presently due on March 11, 2022;

WHEREAS Plaintiffs will suffer prejudice based on the Plaintiffs’ trial counsel’s inability to work on the briefs;

WHEREFORE, Plaintiffs respectfully move this Court to amend the Scheduling Order as follows, which the Government does not oppose:

Event	Prior Deadline	New Deadline
Plaintiffs file their opening claim construction briefs and any expert declaration they may rely upon	11 March 2022	14 March 2022
The government files its responsive claim construction briefs	25 April 2022	29 April 2022
Plaintiffs file their reply claim construction briefs	9 May 2022	13 May 2022
The government files its surreply claim construction briefs	23 May 2022	27 May 2022
Plaintiffs file their surreply claim construction brief regarding indefiniteness terms	6 June 2022	10 June 2022
The parties submit the joint claim construction statement and propose dates for the Markman hearing	13 June 2022	17 June 2022
If desired, parties may submit joint technical tutorial to the Court	20 June 2022	24 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	5 July 2022	8 July 2022

Dated: March 10, 2022

Respectfully submitted,

/s/ Sean T. O'Kelly

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