

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 move this Court to amend the current Scheduling Order (D.I. 93), to allow the parties to potentially provide dates for the Markman hearing in September, 2022. The Government does not oppose this motion. In support of thereof, e-Numerate avers as follows:

WHEREAS e-Numerate’s counsel, O’Kelly & O’Rourke, LLC, is concurrently involved in a litigation pending in the Eastern District of Pennsylvania (“the EDPA litigation”);

WHEREAS the EDPA litigation is presently scheduled for a jury trial to commence on September 12, 2022, and that may last at least two weeks;

WHEREAS the EDPA litigation has a pretrial conference presently scheduled for August 15, 2022;

WHEREAS the EDPA litigation may have the trial date continued in light of a

medical disability preventing one defendant from testifying;

WHEREAS the continuance of the trial will be discussed at the pretrial conference in the EDPA litigation on August 15, 2022;

WHEREAS continuation of that trial will allow for the parties to propose dates for the Markman hearing in September, 2022;

WHEREAS the parties are presently discussing Markman hearing dates in October, 2022, in light of the conflict caused by the EDPA litigation;

WHEREFORE, e-Numerate respectfully requests that the Schedule be amended as follows:

Event	Prior Deadline	New Deadline
The parties submit the joint claim construction statement and propose dates for the Markman hearing	10 August 2022	18 August 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	17 August 2022	18 August 2022

Dated: August 10, 2022

Respectfully submitted,

/s/ Sean T. O'Kelly

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