

In the United States Court of Federal Claims

No. 19-859
(Filed: 7 October 2022)

E-NUMERATE SOLUTIONS, INC., and *
E-NUMERATE, LLC, *
*
Plaintiffs, *
*
v. *
*
THE UNITED STATES, *
*
Defendant. *
*

ORDER

As agreed by counsel for the parties during the status conference held on this day, *see* Order, ECF No. 96, the parties **SHALL FILE** the following by **17 October 2022 at noon (EDT)**:

1. The reexamination certificate for United States Patent 10,423,708 (“the ’708 Patent”);
2. A stipulation of dismissal with prejudice of Count 8 of the Second Amended Complaint, ECF No. 53, to remove the ’708 Patent; and
3. An updated Joint Claim Construction Statement, striking through references to the ’708 Patent and complying with Judge Albright’s rules, including the following:
 - a. Page 7 states “[w]hen the parties submit their joint claim construction statement, in addition to the term in the parties’ proposed construction, the parties should indicate which party or side proposed that term, or if it was a joint proposal.”
 - b. Page 7 states “[i]f . . . the same or similar terms appear in multiple claims, those same or similar terms should be ordered according to the lowest patent number, lowest claim number, and order of appearance within the patent and claim.”

Additionally, as discussed during the status conference, the parties **SHALL** email the Court’s law clerk redline and clean copies of the updated joint claim construction statement in word document format by **17 October 2022 at noon (EDT)**.

Finally, as discussed at the end of the status conference, the Court would like the parties to thoughtfully consider the potential benefits of coming to agreement on related claim terms and reducing the number of claim construction disputes prior to the 17 October filing.

IT IS SO ORDERED.

s/ Ryan T. Holte
RYAN T. HOLTE
Judge