

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ARENDI S.A.R.L.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 12-1601-JLH
)	
MOTOROLA MOBILITY LLC (f/k/a)	
MOTOROLA MOBILITY, INC.),)	Original Version Filed: March 27, 2023
)	
Defendant.)	Public Version Filed: April 3, 2023
ARENDI S.A.R.L.,)	
)	
Plaintiff,)	C.A. No. 13-919-JLH
)	
v.)	
)	
GOOGLE LLC,)	
)	
Defendant.)	
)	

[PROPOSED] JOINT PRETRIAL ORDER

Pursuant to Federal Rule of Civil Procedure 16, District of Delaware Local Rule 16.3, and the Joint Stipulation and Order Regarding Schedule for Pretrial Exchanges, entered February 13, 2023 (D.I. 437¹), Plaintiff Arendi S.à.r.l. (“Arendi”) and Defendants Motorola Mobility LLC (“Motorola”) and Google LLC (“Google”), respectfully submit this Proposed Joint Pretrial Order. Where the parties have competing proposals or statements, such language is preceded by bolded text. The Pretrial Conference is scheduled for April 6, 2023, at 3 pm. A five-day jury trial is scheduled to begin on April 24, 2023.

¹ Unless specifically noted, all citations reference docket entries in *Arendi S.A.R.L. v. Google LLC*.

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I. NATURE OF THE CASE

A. Background

1. Arendi filed these actions for patent infringement against Motorola and Google in 2012 and 2013, respectively. Arendi claims that each Defendant has literally infringed claims 1, 8, 23, and 30 of U.S. Patent No. 7,917,843 (the “’843 Patent”) through the sale, offering for sale, importation, manufacture, and use of certain mobile devices. Arendi further claims that Google has also literally infringed those claims through the sale, offering for sale, importation, manufacture, and use of certain after-market “apps” (for example, Gmail, Chrome, Docs, Messages) installed on mobile devices by users. Mr. Atle Hedløy is the named inventor of the ’843 Patent, titled “Method, system and computer readable medium for addressing handling from a computer program.” In addition to asserting claims of direct infringement, [**Arendi:** Arendi alleges that both Defendants are liable for induced infringement and contributory infringement with respect to *post-suit* infringement.] [**Defendants:** Any inducement and contributory allegations are the subject of a motion *in limine* presently before the Court.] Arendi also alleges that each Defendant’s post-complaint infringement was willful.

2. The operative pleadings in the Google case are Arendi’s Amended Complaint (D.I. 97) and Google’s Answer to Amended Complaint (D.I. 99). The operative pleadings in the Motorola case are Arendi’s First Amended Complaint (C.A. No. 12-cv-1601-JLH, D.I. 34) and Motorola’s Answer to Amended Complaint (C.A. No. 12-cv-1601-JLH, D.I. 37).

B. Parties

3. Plaintiff Arendi is the assignee of the ’843 Patent. Arendi’s CEO is Atle Hedløy, the named inventor of the ’843 Patent. Arendi is a société à responsabilité limitée (abbreviated

SARL, S.A.R.L., or S.à.r.l.) organized under Luxembourg law with its principal place of business in Luxembourg.

4. Defendant Google is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business in Mountain View, California.

5. Defendant Motorola is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business in Libertyville, Illinois.

[Defendants: Defendants maintain that Arendi’s proposed section on claim construction is both unnecessary and improperly or incorrectly characterizes Court orders and rulings.]

[Arendi:²

C. Claim Construction

6. This Court issued a claim construction order on August 19, 2019 (D.I. 143, 144) construing terms of the ’843 Patent as follows:

Claim Term	Court’s Construction
“document”	“a word processing, spreadsheet, or similar file into which text can be entered”
“first information”	“text in a document that can be used as input for a search operation in a source external to the document”
“computer program”	“a self-contained set of instructions, as opposed to a routine or library, intended to be executed on a computer so as to perform some task”
“to determine if the first information is at least one of a plurality of types of information that can be searched for”	“to determine if the first information belongs to one or more of several predefined categories of identifying information (e.g., a name) or contact information (e.g., a phone number, a fax number, or an email address) that can be

² The parties have used brackets and “*Arendi:*” or “*Defendants:*” to indicate when a provision of this Proposed Pretrial Order is supported by only Arendi or the Defendants, respectively. Any justification for or opposition to these proposals is provided in accompanying footnotes, which likewise begin “*Arendi:*” or “*Defendants:*” to indicate its proponent.

	searched for in an information source external to the document”
“that allows a user to enter a user command to initiate an operation”	“that allows a user to enter an input or series of inputs to initiate an operation”
“providing an input device configured by the first computer program”	“providing an input device set up by the first computer program for use by the user”

7. In ruling on *Daubert* motions and motions for summary judgment, the Court elaborated on its constructions and the scope of other claim limitations. Specifically, the Court held the following:

a. The Court’s construction of “to determine if the first information is at least one of a plurality of types of information that can be searched for” “does not require that the searchability determination of the first information must be made by the accused infringing products while performing this step of the claimed process. . . . In other words, ‘the phrase “that can be searched for” modifies the allowable “predefined categories” and does not specify a distinct determination to be made.’” (D.I. 400 at 6-7).

b. The plain and ordinary meaning of the limitation “analyzing, in a computer process, first information in a document” “does not require analyzing *only* the first information in a document. Instead, analysis of other information in addition to the first information—including ‘text that includes first information’ or ‘passages encompassing first information’—does not fall outside of the claim scope. In other words, this claim limitation is satisfied when the first information in a document is analyzed, regardless of whether other information is also analyzed.” (D.I. 400 at 8 (citation omitted)).

c. The plain and ordinary meaning of “performing an action using at least part of the second information” permits “merely display of second information” to satisfy this claim element. (D.I. 400 at 8-9).

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