

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

ARENDA S.A.R.L.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

C.A. No. 13-919-JLH

**ORDER AFTER PRETRIAL CONFERENCE**

Now, this 11 day of April 2023, upon consideration of the Proposed Pretrial Order (D.I. 442; D.I. 443) and for the reasons extensively discussed at the pretrial conference held on April 6, 2023, **IT IS HEREBY ORDERED** that:

1. The Proposed Pretrial Order (D.I. 442; D.I. 443) will be **ADOPTED** as modified by this order and any discussion at the pretrial conference, which the parties are expected to incorporate into a revised pretrial order that must be filed on or before April 14, 2023.

2. A jury trial will begin with jury selection and preliminary jury instructions on Friday, April 21, 2023, at 9:00 a.m. Opening statements and trial will begin on Monday, April 24 at 9:00 a.m. **Due to a public event being held at the courthouse on April 28, 2023, trial will conclude for the week on Thursday, April 27 and resume the following Monday, May**

1. Each party should be prepared to present its case until 4:30 p.m. of each trial day.

3. The trial is timed. Each side is allowed 14.5 hours for its opening statement, its direct and cross examination of witnesses, and closing statements. Time during the trial day that

does not neatly fit into one of those categories will be attributed to one side or the other as the Court thinks most appropriate.

4. Trial counsel are to be present and ready to proceed at 8:30 a.m. on April 21 and on each and every day thereafter of trial. Counsel should understand that there may be long lines to enter the courthouse (particularly when the jury is being selected) and should plan accordingly. There will be up to an hour for lunch and a fifteen-minute break in both the morning and the afternoon.

5. Issues that need to be addressed outside the presence of the jury will be taken up at 8:30 a.m., at the lunch break, at the end of the day, or at such other time that the Court determines. As explained at the pretrial conference, issues related to deposition designations must be brought to the attention of the Court's Courtroom Deputy by 6:00 p.m. the night before the witness is to be called. The parties shall provide the Court with the following: (i) a copy of the entire deposition testimony of the witness at issue, clearly highlighting the designations, counter-designations, and pending objections; and (ii) a cover letter clearly identifying the pending objections as well as a brief indication (*i.e.*, no more than one sentence per objection) of the basis for the objection and the offering party's response to it. Other issues, including objections to anticipated exhibits or demonstratives, must be brought to the Court's attention by 7:00 a.m. on the day on which the evidence objected to will be adduced.

6. As explained at the Pretrial Conference, the parties must provide the Court on or before noon on Friday, April 21 with electronic versions of all trial exhibits on the exhibit list in a single folder. The trial exhibits should be named with their exhibit numbers (*i.e.*, JTX, PTX, or DTX) and organized in ascending numerical order. Additionally, at the beginning of each trial day, the parties shall provide to the Court three additional copies of any witness binders

containing the exhibits and demonstratives (if any) to be used on direct examination and cross-examination of any witnesses expected to be called that day.

7. On or before April 19, the parties must file a letter attaching a list of witness names and a glossary of technical terms for the court reporter.

8. The Court expects to hold a charge conference after the close of testimony on Monday, May 1. Unless otherwise ordered, Plaintiff is responsible for the preparation and revising of the jury instructions and verdict form that will be given to the jury. The Court expects to give the bulk of the jury instructions before the closing arguments are made.

9. The motions *in limine* (“MIL”) were discussed at the pretrial conference. Most were resolved. Arendi’s first MIL (D.I. 442, Ex. 8P) concerning damages models from other judicial actions was DENIED. The parties must rely upon the transcript for a full understanding of the ruling. Arendi’s second MIL (*id.*) requesting the Court preclude Google’s fact witnesses from presenting expert testimony is DENIED without prejudice to reraise at the appropriate time should specific concerns arise. The parties must rely upon the transcript for a full understanding of the ruling. Arendi’s third MIL (*id.*) to preclude Google from acting inconsistent with the Court’s prior orders was taken under advisement after it became clear that Arendi was specifically concerned about certain prior art that may or may not be implicated depending on Google’s obviousness combinations. The Court ordered the parties to meet and confer after Google discloses its obviousness combinations and submit a letter to the Court if a dispute remains. Google’s first MIL (D.I. 443, Ex. 8D) was GRANTED-IN-PART. Arendi shall not ask Mr. Weinstein about revenue Google earns from selling or monetizing user data or reference or introduce the article that Mr. Weinstein submitted for the first time in his supplemental reply report to support his claim that Google monetizes user data (*see id.*, Ex. 8D-1). Arendi may ask

Mr. Weinstein in general terms about revenue Google earns from advertising but shall not, in any way, put a number on Google's advertising revenue. The parties must rely upon the transcript for a full understanding of the ruling. Google's second MIL (*id.*) concerning asserted claims 1 and 8 was DENIED. Google's third MIL (*id.*) requesting the Court preclude Arendi from commenting on absent witnesses was GRANTED. Neither party shall reference the presence or absence of any party's corporate representative, employee, or other witness. If a party wants to make an argument that it could not call an opposing party's absent witness itself and wants to instruct the jury to draw an inference from the witness's absence, the party shall raise the issue with the Court before any argument is made.

10. Any trial logistics should be coordinated through the Courtroom Deputy.

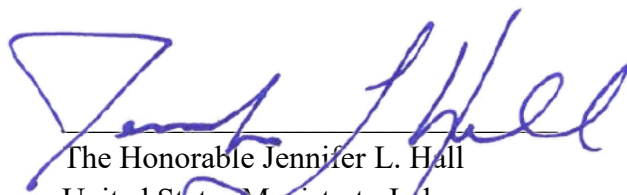
**IT IS FURTHER ORDERED**, upon consideration of the parties' briefing, and for the reasons discussed at the pretrial conference:

11. Google's Motion to Strike Portions of Mr. Roy Weinstein's Supplemental Expert Reports Regarding Damages (D.I. 419) is **DENIED**.

12. Google's Motion for Clarification of Claim Construction (D.I. 421) is **DENIED**.

13. The transcript from the April 6, 2023 hearing shall serve as the Order of the Court.

Date: April 11, 2023

  
The Honorable Jennifer L. Hall  
United States Magistrate Judge