

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

ARENDI S.A.R.L.,	)	
	)	
Plaintiff,	)	C.A. No. 13-919-JLH
	)	
v.	)	<b>Original Version Filed: April 14, 2023</b>
	)	
GOOGLE LLC,	)	<b>Public Version Filed: April 20, 2023</b>
	)	
Defendant.	)	
	)	

***REVISED* [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. 437), Plaintiff Arendi S.à.r.l. (“Arendi”) and Defendant Google LLC (“Google”), respectfully submit this *Revised* Proposed Joint Pretrial Order. The Court held the Pretrial Conference on April 6, 2023, at 3 pm. A five-day jury trial is scheduled to begin on April 24, 2023.

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## **I. NATURE OF THE CASE**

### **A. Background**

1. Arendi filed this action for patent infringement against Google in 2013. Arendi claims that Google 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 alleges that Google is liable for induced infringement and contributory infringement with respect to *post-suit* infringement. Arendi also alleges that Google’s post-complaint infringement was willful.

2. The operative pleadings in this case are Arendi’s Amended Complaint (D.I. 97) and Google’s Answer to Amended Complaint (D.I. 99).

### **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.

**C. Nature of the Action**

5. Arendi alleges that each of Google's Accused Products literally infringes claims 1, 8, 23 and 30 of the '843 Patent.

6. Arendi also accuses Google of infringing the Asserted Claims of the '843 Patent by actively inducing third-party importation, sale, and use of the Accused Products. Arendi further accuses Google of contributing to infringement of the Asserted claims of the '843 Patent by third parties.

7. Arendi claims damages through November 10, 2018 (when the '843 Patent's term ended), for Google's infringement as follows: damages adequate to compensate for the infringement, but in no event less than a reasonable royalty.

8. Arendi also seeks a finding that Google's post-complaint infringement was willful.

9. Arendi seeks an enhancement of the awarded damages in light of Google's alleged post-complaint willful infringement, pre-judgment and post-judgment interest, and an award of costs and attorneys' fees.

10. The Court has prohibited Arendi from relying on a doctrine-of-equivalents infringement theory against Google (D.I. 257).

11. Google denies Arendi's claims of infringement of the '843 patent, including claims of willful infringement. Google further denies that Arendi is entitled to any damages, at all or in the amount Arendi seeks, for alleged infringement of the '843 patent. Google further contends that Arendi is not entitled to pre-judgment or post-judgment interest, or any costs or attorneys' fees.

12. Google contends that the asserted claims 1, 8, 23, and 30 of the '843 patent are invalid under 35 U.S.C. §§ 102, 103, and/or 112; that damages are limited by Arendi's failure to

mark products that practice claims 1, 8, 23, and/or 30 pursuant to 35 U.S.C. § 287; and that Google is entitled to costs and attorneys' fees under 35 U.S.C. § 285.

13. Arendi denies Defendants' allegation that the claims are invalid; that damages are limited under section 287; and that Defendants are entitled to costs and attorneys' fees under 35 U.S.C. § 285.

## II. JURISDICTION

14. This Court has federal-question jurisdiction over this action because it arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has original jurisdiction over the subject matter of this controversy under 28 U.S.C. §§ 1331, 1338, and the patent laws of the United States, 35 U.S.C. § 271 *et seq.* No party contests subject matter jurisdiction.

15. No party contests personal jurisdiction for purposes of this action.

16. No party contests venue for purposes of this action in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

## III. FACTS

### A. Uncontested Facts

17. The parties agree that the facts listed in **Exhibit 1** are not contested for purposes of trial. These uncontested facts shall require no proof at trial and will become part of the evidentiary record at trial once introduced to the jury. Any party may read or introduce any of the uncontested facts to the jury at any time without prior notice and the jury should be instructed that the undisputed facts are to be taken as true in their deliberations.

### B. Contested Facts

18. Plaintiff's statement of the issues of fact that remain to be litigated is attached as **Exhibit 2P**.

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