

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-22706-RNS

BELL NORTHERN RESEARCH, LLC,

Plaintiff

v.

JURY TRIAL DEMANDED

HMD AMERICA, INC.; HMD GLOBAL OY;
SHENZHEN CHINO-E COMMUNICATION
CO., LTD.; HON HAI PRECISION
INDUSTRY CO., LTD; TINNO MOBILE
TECHNOLOGY CORP.; SHENZHEN
TINNO MOBILE CO., LTD.; TINNO USA,
INC.; UNISOC TECHNOLOGIES CO., LTD.;
SPREADTRUM COMMUNICATIONS USA,
INC.; WINGTECH TECHNOLOGY CO.;
LTD.; WINGTECH INTERNATIONAL,
INC.; BEST BUY CO., INC.; BEST BUY
STORES L.P.; TARGET CORP.; WALMART
INC.

Defendants.

**PLAINTIFF BELL NORTHERN RESEARCH LLC'S RESPONSE IN OPPOSITION TO
DEFENDANTS' MOTION TO STAY CERTAIN DEADLINES**

Pursuant to this Honorable Court's Order (*see* Dkt. 141) Plaintiff Bell Northern Research, LLC ("BNR" or "Plaintiff") submits this response in opposition to Defendants' Motion to Stay Certain Patent Contention and Claim Construction Deadlines (Dkt. 140). Defendants' motion should be denied for the reasons set forth below.

In the first instance, there is absolutely nothing inadequate, insufficient or incomplete about Plaintiff's Infringement Contentions, served on Defendants on February 7, 2023 as mandated by the Court's Scheduling Order of January 25, 2023 (*see* ECF No. 125 at 1). Rather, Plaintiff set forth detailed infringement contentions and elaborate charts for about 80 claims in 13 asserted

patents in that paper, as against numerous accused instrumentalities (around 70) of the Defendants. Plaintiff stands by the sufficiency and full compliance of those contentions today, just as it did when meeting and conferring with Defendants prior to the filing of the instant motion to stay.

Tellingly, Defendants' motion to stay is devoid of any specific allegation of insufficiency or non-compliance in any aspect of Plaintiff's detailed Infringement Contentions. (*See* ECF No. 140.) Defendants instead rest their motion on an unsupported conclusion that those contentions are broadly insufficient from their perspective. (*See id.* at 2.) That mere conclusion by Defendants, without anything more, simply does not warrant the stay they seek.

Moreover, Defendants' motion to stay wrongly ties the dates for it to prepare and serve its Invalidity Contentions (due March 10, 2023) and exchange claim terms for construction (due April 14, 2023) to its misplaced attack on the supposed insufficiency of Plaintiff's Infringement Contentions. In other words, even if Plaintiff's contentions were lacking (which is not the case), that would not be a basis for the stay sought by Defendants.¹ As set forth in the Scheduling Order, and Local Patent Rule 3-3 particularly (*see* ECF No. 140 at 13-14), Defendants are required by March 10 in their Invalidity Contentions to identify prior art alleged to invalidate the asserted claims, match it up with the elements of those asserted claims, identify any defenses under 35 U.S.C. §101 and §112, identify any claim language falling under 35 U.S.C. §112, ¶6, and fully explain the bases for any unenforceability allegations. Local Patent Rule 3-4 further requires an accompanying document production on that same date (March 10) that comprises production of

¹ Further, even if there were later found to be any such deficiencies in Plaintiff's Infringement Contentions, Plaintiff is available to amend them and that could be done in parallel with Defendants' compliance with their obligations for making Invalidity Contentions. Defendants simply have not demonstrated any need to halt these initial, critical aspects of the case while all parties await resolution of Defendants' dispute with Plaintiff's contentions. This is particularly true because Defendants have not shown any support for their attack and those infringement contentions and Plaintiff vigorously contests any such alleged insufficiency in the contentions.

source code and/or other documentation describing the operation of the accused instrumentalities from Plaintiff's Infringement Contentions, as well as copies of the prior art Defendants are asserting in their contentions. (See ECF No. 140 at 14.) There is no reason Defendants cannot proceed with the foregoing tasks called for by Local Patent Rules 3-3 and 3-4 by March 10, regardless of any issues they may have with Plaintiff's Infringement Contentions. The same indisputably is true for the April 14 due date for exchange of proposed claim terms for construction.

For all of the above reasons, there is no basis for the stay sought by Defendants. Granting such a stay would be prejudicial to Plaintiff as it would halt the initial, critical disclosure phase of this patent litigation. Plaintiff should not have to wait to see Defendants' Invalidity Contentions and its proposed terms for claim construction based solely on a conclusory allegation by Defendants that Plaintiff's Infringement Contentions are somehow insufficient. Defendants' motion to stay should be denied and these aspects of discovery should proceed as set forth in the Scheduling Order (ECF No. 140).

Respectfully submitted,

Dated: March 1, 2023

/s/ Paul Richter

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document on March 1, 2023.

/s/ Jose I. Rojas
Jose I. Rojas