

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 1:22-cv-22706-SCOLA/GOODMAN

BELL NORTHERN RESEARCH, LLC,

Plaintiff,

v.

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

Defendants.

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE
TO FILE MEMORANDA REGARDING DISCOVERY DISPUTE**

Defendants HMD America, Inc., HMD Global Oy, Best Buy Co., Inc., Best Buy Stores L.P., Target Corp., and Walmart Inc. (collectively, "Defendants") move for leave to file Memoranda for their pending discovery dispute regarding the sufficiency of Plaintiff Bell Northern Research LLC's ("Plaintiff") February 7, 2023 Infringement Contentions under the Court's Patent Rules. *See* ECF Nos. 142 & 146. Defendants believe the Court would benefit from briefing on this matter because this is not a routine or garden-variety dispute, but one involving the Court's Patent Rules and wide-ranging patent infringement allegations.

There is an extraordinary need for briefing. *First*, the discovery at issue is Plaintiff's Infringement Contentions under Patent Rule 3-1 (ECF No. 125 at 11-12), not standard discovery

under the Federal Rules like interrogatories or requests for production. **Second**, Defendants challenge the sufficiency of Plaintiff's Infringement Contentions under four intricate provisions of the Court's Patent Rules, which themselves entail an understanding of patent legal principles on various issues (including direct infringement, indirect infringement, the doctrine of equivalents, and means-plus-function claim limitations). **Third**, the dispute can greatly affect the scope of this case given the breadth of Plaintiff's Infringement Contentions. Plaintiff asserts seventy-six patent claims from thirteen patents against over seventy accused products. As set forth in Paragraph 6 of Defendants' Notice of Hearing, an issue for the Court is whether Plaintiff's Infringement Contentions should be (a) stricken entirely or (b) deemed limited to cover only the accused devices charted and only the acts of direct and literal infringement of system claims identified in the claim charts. The Court's ruling may greatly affect the scope of this litigation. **Fourth**, given the short tenure of the Court's Patent Rules, only limited guidance is available from this Court on the application of Patent Rule 3-1. Defendants therefore believe that brief memoranda addressing the Patent Rules' requirements for Infringement Contentions and court cases addressing similar patent rules in other Districts (including the Northern District of California's rules on which this Court's rules are based, *see* ECF No. 125 at 9 n.1) would aid the Court in resolving this dispute.

Defendants respectfully propose that Defendants and Plaintiff be permitted to file five-page briefs on a schedule that is convenient for the Court. Plaintiff does not oppose this motion.

Additionally, Defendants are amenable to rescheduling the hearing currently set for March 15, 2023, at 2:30pm. Plaintiff prefers to keep this hearing date in place.

Respectfully submitted,

/s/ Jodi-Ann Tillman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of March, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which served a copy to all counsel of record.

/s/ Jodi-Ann Tillman
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