

**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., WINGTECH TECHNOLOGY CO. LTD.,
WINGTECH INTERNATIONAL, INC., BEST BUY
CO., INC., BEST BUY STORES L.P., TARGET
CORP., WALMART INC.,

Defendants.

JOINT STATUS REPORT

Pursuant to the Court's Post-Discovery Hearing Administrative Order (ECF No. 158), the parties hereby file this Joint Status Report.

1. Plaintiff Bell Northern Research, LLC ("Plaintiff") has made a proposal for the content of supplemental infringement contentions that, if executed in the supplemental infringement contentions as served, Defendants believe will resolve the disputes raised at the hearing on March 15, 2023. *See* Defendants' Notice of Hearing (ECF No. 142), and Minute Entry (ECF No. 157).
2. Plaintiff agrees to provide the supplemental infringement contentions by **April 14, 2023**.
3. The parties disagree on whether Plaintiff's proposal is sufficient to resolve the dispute and the need for a hearing.
4. Plaintiff contends that its description of how it proposes to supplement the infringement contentions resolves the dispute and the need for a hearing.

5. Defendants disagree.

Defendants' Position

6. Defendants cannot assess and confirm whether the dispute is resolved without seeing the supplemental infringement contentions Plaintiff actually serves. Plaintiff's latest proposal describes the intended supplementation at a high level, for example, saying that Plaintiff will "include indirect infringement allegations on a limitation-by-limitation basis," serve "a separate charts for each Accused Instrumentality," "supplement [the means-plus-function] limitations to reflect structure disclosed in the patent," "specifically identify[] the method claims, identifying the product applicable to that claim, and for each product, identifying the use of the product by the defendant that allegedly results in the practice of the claimed method," and "identify each 'function, way, and result that is equivalent [and] why any differences are not substantial' for each pertinent claim limitation." **Ex. A** (Clayton March 28, 2023 Email, at 1–2).

7. Plaintiff has provided no revised or new claim charts implementing the proposal. While, in an earlier proposal, Plaintiff proposed language to supposedly justify its representative claim charts (*see Ex. B*, Clayton March 22, 2023 letter, at 2), Defendants raised issues with the proposed language (*see Ex. C*, Chajon March 27, 2023 email, at 1–2), the parties were unable to resolve the issues, and Plaintiff has chosen to forgo representative charts and instead proposes serving separate charts for each Accused Instrumentality.

8. Because Defendants cannot at this time assess whether Plaintiff's supplementation will resolve the disputes, Defendants still need a discovery hearing and Defendants will contact Chambers to schedule the hearing. Defendants will request a hearing on a date after April 14, when Plaintiff proposes to serve the supplemental infringement contentions. This scheduling will allow Defendants to review the supplemental infringement contentions in the interim and inform the Court before the hearing date whether the disputes have been resolved.

Plaintiff Bell Northern Research, LLC's Position

9. As the record shows (*see* Exhibits A, B, and C), the disputes that were the subjects of the discovery hearing before this Court on March 15, 2023 have been resolved and Plaintiff Bell Northern Research, LLC will serve its supplemented initial infringement contentions accordingly on April 14, 2023.

10. Defendants have had an opportunity to fully review, assess, and critique what this supplementation will include, and their last-minute attempt for a further “review” is unjustified and should be rejected.

Respectfully submitted,

/s/ Paul Richter

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of March, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which served a copy on the following Service List:

By: /s/Jodi-Ann Tillman
Jodi-Ann Tillman

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