

**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.

SUPPLEMENTAL JOINT STATUS REPORT

Pursuant to the Court's Post-Discovery Hearing Administrative Order (ECF No. 158) and further to the Parties' Joint Status Report filed March 31, 2023 (ECF No. 161), the Parties hereby file this Supplemental Joint Status Report memorializing the agreement of the Parties and notifying the Court that the dispute is resolved.

The Parties agree to the following terms to resolve this dispute:

1. *Representative Charts*: Defendants objected to Plaintiff's original Infringement Contentions and Supplemental Infringement Contentions under P.R. 3-1(c) of the Court's Patent Rules (ECF No. 125 at 11) because Plaintiff did not serve a chart for each of the 73 Accused Instrumentalities, and Defendants contended that Plaintiff did not provide any explanation or evidence showing that the charted Accused Instrumentalities were representative of uncharted ones.

Plaintiff has now served additional charts and has confirmed that it raises no claim against any uncharted Accused Instrumentality.

Accordingly, the Parties agree that the Plaintiff raises no claim against the following devices: the Nokia 1.4, Nokia 2V Tella, Nokia 3.4, Nokia 5.4, Nokia 8V 5G UW, Nokia 225 4G, Nokia 2660 Flip, Nokia 2720 V Flip, Nokia 2760 Flip, Nokia 2780 Flip, Nokia 6300 4G, or Nokia C5.

The Parties also agree that Plaintiff (1) does not assert U.S. Patent No. RE 48,629 against the Nokia 2660 Flip or Nokia C5; (2) does not assert U.S. Patent No. 8,416,862 against the Nokia 5, Nokia 5.1, or Nokia 6; (3) does not assert U.S. Patent No. 7,564,914 against the Nokia 5.1, Nokia 6, or Nokia 6.1 Plus; (4) does not assert U.S. Patent No. 7,957,450 against the Nokia 5.1 or Nokia 6; (5) does not assert U.S. Patent No. 8,396,072 against the Nokia C200, Nokia 2V, Nokia 6.1 Plus, Nokia 800 Tough, Nokia 2660 Flip, Nokia C1 Plus, or Nokia C5; and (6) does not assert U.S. Patent No. 8,792,432 against the Nokia 6.1 Plus, Nokia 800 Tough, Nokia 2660 Flip, Nokia C1 Plus, or Nokia C5.

The Parties are working to further reduce the number of Accused Instrumentalities in the case.

Accordingly, the Parties have resolved this dispute.

2. *Allegations of Indirect Infringement:* Defendants objected to Plaintiff's original Infringement Contentions and Supplemental Infringement Contentions under P.R. 3-1(d) because Defendants contended that Plaintiff failed to make the disclosures required under that rule for allegations of indirect infringement.

Plaintiff has now revised its indirect infringement allegations and limited them to accusations that Defendants HMD America, Inc. and HMD Global Oy (collectively, "HMD") induced infringement of U.S. Patent Nos. 8,204,554 and 7,319,889 based on use of the Nokia 8.3 5G. Plaintiff has provided additional contentions and claim charts in its Supplemental Infringement Contentions related to these indirect infringement allegations, to which Defendants will respond.

Accordingly, the Parties have resolved this dispute.

3. *Allegations Under the Doctrine of Equivalents:* Defendants objected to Plaintiff's original Infringement Contentions under P.R. 3-1(e) because Defendants contended that Plaintiff failed to make the disclosures required under that rule for allegations under the doctrine of equivalents.

Plaintiff has confirmed it is no longer pursuing any allegations of infringement by Defendants under the doctrine of equivalents, as reflected in Plaintiff's Supplemental Infringement Contentions.

Accordingly, the Parties have resolved this dispute.

4. *Allegations Related to Method Claims:* Defendants objected to Plaintiff's original Infringement Contentions and Supplemental Infringement Contentions under P.R. 3-1(b) because Defendants contended that Plaintiff failed to make the disclosures required under that rule for allegations of infringement of method claims.

Plaintiff has now provided additional contentions in its Supplemental Infringement Contentions related to its allegation of infringement by HMD of the asserted method claims, to which HMD will respond.

Plaintiff no longer pursues any allegation that Defendants Best Buy Co., Inc., Best Buy Stores L.P., Target Corp., or Walmart, Inc. (collectively, "Retailer Defendants") use the Accused Instrumentalities to practice the claimed methods, nor any allegation that the Retailer Defendants indirectly infringe the asserted method claims by providing Accused Instrumentalities that practice the claimed methods, which does not preclude discovery on the matter.

Accordingly, the Parties have resolved this dispute.

5. *Allegations Related to Mean-Plus-Function Claim Limitations:* Defendants objected to Plaintiff's original Infringement Contentions and Supplemental Infringement

Contentions under P.R. 3-1(c) because Defendants contended that Plaintiff failed to make the disclosures required under that rule for allegations of infringement of claims with limitations in “means-plus-function” format.

Plaintiff has agreed to supplement its claim charts with respect to claims 10, 12, and 15 of U.S. Patent No. 6,696,941, to which Defendants will respond.

Accordingly, the Parties have resolved this dispute.

6. *Other:*

In an effort to streamline the issues, the Parties have also reached an agreement whereby Plaintiff no longer pursues any allegation that the Retailer Defendants make or import the Accused Instrumentalities, cause the Accused Instrumentalities to be used in infringing manners, or indirectly infringe any asserted patent, but that agreement does not preclude discovery on the matter.

7. *Case schedule:* The Parties have cooperated in good faith to resolve the Motion, primarily through Plaintiff’s service of additional charts and supplemental allegations. Plaintiff served its original Infringement Contentions on February 7, 2023, and its Supplemental Infringement Contentions on April 14, 2023, nine weeks later. The Parties have agreed on a schedule that allows Defendants a corresponding amount of time to prepare their responsive contentions, and Defendants agree that the Parties’ proposed schedule would address its concerns.

Accordingly, the Parties intend to submit a jointly proposed schedule for the Court’s consideration, the entry of which will fully resolve this dispute.

Based on the foregoing, the Parties respectfully request that the Court cancel the April 26 Discovery Hearing in this matter (ECF No. 162).

Respectfully submitted,

/s/Christopher Clayton

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