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September 28, 2021

VIA ECF

Hon. Douglas E. Arpert, U.S.M.J.
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: *OANDA Corporation v. GAIN Capital Holdings, Inc., et al.*
Civil Action No. 20-05784-ZNQ-DEA

Dear Judge Arpert:

We, along with our co-counsel from Koning Zollar LLP, represent Plaintiff OANDA Corporation (“OANDA”) in this matter. Pursuant to the Court’s September 15, 2021, Order (ECF No. 94), Plaintiff OANDA and Defendant GAIN submit this Joint Status Report to update the Court regarding the status of GAIN’s invalidity contentions, other ongoing discovery, and scheduling matters:

1. GAIN’s Invalidity Contentions and Discovery Responses

On September 17, 2021, GAIN served its invalidity contentions and served its supplemental responses to OANDA’s First Set of Interrogatories. In addition, GAIN commenced its production of documents on September 17, 2021, and has committed in writing to completing its production of documents in response to OANDA’s First Request for Production of Documents no later than October 29, 2021. Accordingly, there are presently no ripe issues for the Court’s consideration, subject to Your Honor’s further views.¹

¹ The parties are meeting and conferring this week regarding OANDA’s objections and responses to GAIN’s discovery requests.

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2. OANDA's Response to Invalidity Contentions and Extension of Time

OANDA requested, and as a courtesy to OANDA, GAIN consented to an extension of time from October 8 to October 29, 2021, to respond to GAIN's invalidity contentions, subject of course to Your Honor's authorization.

OANDA notes that GAIN's invalidity contentions are over 500 pages long and cite over 70 references/systems per asserted patent. GAIN states that its contentions required numerous pages because of the number of claims OANDA is asserting and because GAIN provided detailed contentions consistent with the spirit and letter of the Local Patent Rules. OANDA objected to the size and scope of the contentions, and as a result, the parties met and conferred on September 27, 2021.

OANDA requested that GAIN reduce the number of asserted references to a more manageable number. GAIN responded by stating that, while any reduction of references would need to have a corresponding reduction of limitations, such reductions were premature. Nonetheless, GAIN stated that it would be willing to consider a concrete proposal of reductions if OANDA presented one.

OANDA next requested GAIN's consent to a three-week extension of time to respond to GAIN's invalidity contentions, so that OANDA could provide a more thorough response to them. As a professional courtesy, GAIN consented to the request. As a result of OANDA's requested extension, the parties also discussed and agreed to a commensurate extension of time for other related scheduling deadlines, subject to the Court's approval.

Accordingly, we respectfully request that the Court enter the stipulated proposed schedule reflecting this adjustment, which is attached to this Report.

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We appreciate the Court's attention to this matter.

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Respectfully submitted,

/s/ Cynthia S. Betz

Cynthia S. Betz

Attachment

cc: All Counsel of Record (via ECF)