United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In re EXPRESS MOBILE CASES

Case Nos. 3:19-cv-06559-RS
3:20-cv-06152-RS
3:20-cv-08297-RS
3:20-cv-08321-RS
3:20-cv-08335-RS
3:20-cv-08339-RS
3:20-cv-08461-RS
3:20-cv-08491-RS
3:20-cv-08492-RS
3:21-cv-01145-RS

ORDER RE CLAIM CONSTRUCTION SCHEDULE

The parties have presented competing proposals for the claim construction schedule in these actions with respect to the RCB patents. Plaintiff's proposed deadlines effectively follow the timing of the local rules as calculated from the filing dates of the newest cases. Defendants request dates approximately 30 days later. While plaintiff's desire not to further delay older cases is understandable, the additional time defendants seek is within the range routinely granted as a matter of course with respect to the newer cases, and is of marginal effect in the older cases. Defendants' proposed schedule will be adopted, with the claim construction hearing to be held on December 8, 2021.

Defendants also seek clarification as to the scope of the stay previously imposed with

respect to the Rempel patents. Plaintiff objects on procedural grounds that the parties' joint report regarding their scheduling negotiations is not an appropriate vehicle for seeking clarification or reconsideration of the prior order. Although plaintiff's procedural point has merit, judicial efficiency warrants providing clarification without soliciting further briefing.

The stay order applied to "any remaining deadlines relating to claim construction as to the Rempel patents," which was intended to refer to those deadlines set out under Local Patent Rule 4—Claim Construction Proceeding. The deadlines under Rule 3—Patent disclosures, have not been stayed. Any potential inefficiencies based on a need to revise contentions or supplement document productions in light of future PTO actions do not rise to a level that warrants putting off that part of the litigation process.

IT IS SO ORDERED.

Dated: April 26, 2021

RICHARD SEEBORG
Chief United States District Judge

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