

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SEVEN NETWORKS, LLC,

Plaintiff,

v.

APPLE INC,

Defendant.

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CIVIL ACTION NO. 2:19-CV-00115-JRG

ORDER FOCUSING PATENT CLAIMS AND PRIOR ART

The Court ORDERS as follows:

1. This Order supplements all other discovery rules and orders. It is intended to streamline the issues in this case to promote a “just, speedy, and inexpensive determination” of this action, as provided by Rule 1 of the Federal Rules of Civil Procedure.

2. By the date set forth in the Docket Control Order, Plaintiff shall serve a Preliminary Election of Asserted Claims, which shall assert no more than fifteen (15) claims from each patent and not more than a total of seventy-five (75) claims. By the date specified in the Docket Control Order, Defendant shall serve a Preliminary Election of Asserted Prior Art, which shall assert no more than eighteen (18) prior art references¹ against each patent and not more than a total of ninety (90) references.²

¹ For clarity, each anticipation challenge and each obviousness combination or assertion count as a separate prior art reference for purposes of the preliminary and final election.


² For purposes of this Order, a prior art instrumentality (such as a device or process) and associated references that describe that instrumentality shall count as one reference, as shall the closely related work of a single prior artist.

3. Not later than 7 days after the Court issues its Claim Construction Order. Plaintiff shall serve a Final Election of Asserted Claims, which shall identify no more than eight (8) asserted claims per patent from among the fifteen (15) previously identified claims and no more than a total of thirty-six (36) claims from no more than ten (10) asserted patents. Not later than 14 days after service of the Final Election of Asserted Claims, Defendant shall serve a Final Election of Asserted Prior Art, which shall identify no more than nine (9) asserted prior art references per patent from among the eighteen (18) prior art references previously identified for that particular patent and no more than a total of forty-five (45) references. For purposes of this Final Election of Asserted Prior Art, each obviousness combination counts as a separate prior art reference.

4. Subject to Court approval, the parties may modify this Order by agreement, but should endeavor to limit the asserted claims and prior art references to the greatest extent possible. Absent agreement, post-entry motions to modify this Order's numerical limits on asserted claims, asserted patents, and prior art references must demonstrate good cause warranting the modification. Motions to modify other portions of this Order are committed to the sound discretion of the Court.³

So Ordered this

Jul 31, 2019



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

³ This Order contemplates that the parties and the Court may further narrow the issues during pretrial proceedings in order to present a manageable case at trial.