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Sent: Tuesday, March 14, 2023 1:44 PM
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Subject: Activity in Case . Valyant AI Inc. v. Kea Cloud, Inc. Oral Order

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U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was entered on 3/14/2023 at 2:44 PM EDT and filed on 3/14/2023

Case Name: Valyant AI Inc. v. Kea Cloud, Inc.

Case Number: [1:21-cv-01698-MN](#)

Filer:

Document Number: 28(No document attached)

Docket Text:

ORAL ORDER re MOTION to Dismiss (11 in 1:21-cv-01698-MN, 12 in 1:21-cv-01700-MN), Letter (25 in 1:21-cv-01698-MN, 30 in 1:21-cv-01700-MN), Letter (27 in 1:21-cv-01698-MN, 32 in 1:21-cv-01700-MN) - There is currently a pending request for reissue for the only patent-in-suit, U.S. Patent No. 10,592,706 ("the '706 Patent"). Defendants have expressed concern that the reissue proceedings will result in claim amendments, particularly because the reissue seeks to change the '706 Patent priority date and because Plaintiff has not represented (and likely cannot represent) that the claims will remain unchanged after reissue proceedings. (D.I. 27 at 2-3, D.I. 32 at 2-3). In light of Defendants' concern, which is not unfounded, the Court finds it is an inefficient use of time to address at this time Defendants' motion to dismiss, which requires a claim-by-claim patent-eligibility analysis taking into account the claims as a whole, as well as the individual claim elements and their ordered combination. THEREFORE, IT IS HEREBY ORDERED that Defendants' motion to dismiss (D.I. 11, D.I. 12) is DENIED without prejudice to renew at a later date. IT IS FURTHER ORDERED that the in-person hearing scheduled for March 16, 2023 is CONVERTED into a teleconference regarding the parties' proposed schedule (D.I. 25-1, D.I. 30-1) and the impact and status of the reissue proceedings on this case. Counsel shall provide a teleconference dial-in number and code for the hearing

by emailing this Court's judicial administrator. ORDERED by Judge Maryellen Noreika on 3/14/2023. (dlw)

Case Name: Valyant AI, Inc. v. Hi Auto, Inc.

Case Number: [1:21-cv-01700-MN](#)

Filer:

Document Number: 33(No document attached)

Docket Text:

ORAL ORDER re MOTION to Dismiss (11 in 1:21-cv-01698-MN, 12 in 1:21-cv-01700-MN), Letter (25 in 1:21-cv-01698-MN, 30 in 1:21-cv-01700-MN), Letter (27 in 1:21-cv-01698-MN, 32 in 1:21-cv-01700-MN) - There is currently a pending request for reissue for the only patent-in-suit, U.S. Patent No. 10,592,706 ("the '706 Patent"). Defendants have expressed concern that the reissue proceedings will result in claim amendments, particularly because the reissue seeks to change the '706 Patent priority date and because Plaintiff has not represented (and likely cannot represent) that the claims will remain unchanged after reissue proceedings. (D.I. 27 at 2-3, D.I. 32 at 2-3). In light of Defendants' concern, which is not unfounded, the Court finds it is an inefficient use of time to address at this time Defendants' motion to dismiss, which requires a claim-by-claim patent-eligibility analysis taking into account the claims as a whole, as well as the individual claim elements and their ordered combination. THEREFORE, IT IS HEREBY ORDERED that Defendants' motion to dismiss (D.I. 11, D.I. 12) is DENIED without prejudice to renew at a later date. IT IS FURTHER ORDERED that the in-person hearing scheduled for March 16, 2023 is CONVERTED into a teleconference regarding the parties' proposed schedule (D.I. 25-1, D.I. 30-1) and the impact and status of the reissue proceedings on this case. Counsel shall provide a teleconference dial-in number and code for the hearing by emailing this Court's judicial administrator. ORDERED by Judge Maryellen Noreika on 3/14/2023. (dlw)

1:21-cv-01698-MN Notice has been electronically mailed to:

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