Daignault Iyer

Tedd W. Van Buskirk*
201.736.6751
tvanbuskirk@daignaultiyer.com
8618 Westwood Center Drive
Suite 150, Vienna, VA 22182
*Not admitted in Virginia

April 1, 2024

VIA ECF

Honorable Rukhsanah L. Singh, U.S.M.J.
United States District Court for the District of New Jersey
Clarkson S. Fisher Bldg. & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: *Cambridge Mobile Telematics, Inc. v. Sfara, Inc.*, Case No. 3:23-cv-01368-RK-RLS

Dear Judge Singh,

My firm represents Defendant and Counterclaim-Plaintiff Sfara, Inc. in the above matter. We write jointly with Hill Wallack and Goodwin Procter, counsel for Plaintiff and Counterclaim-Defendant Cambridge Mobile Telematics, Inc. ("CMT" or "Plaintiff") to advise the Court of the status of the case as per the Court's Order dated January 26, 2024 (D.I. 73).

Proposed Schedule Modifications:

Discovery continues to progress, and the parties continue to meet and confer to resolve case issues where possible. Opening claim construction briefs, as well as disclosure of amended infringement contentions, are currently due April 5, 2024. The parties have stipulated to extending those dates and certain related dates as shown in the table below. If this meets the Court's approval, we respectfully request that the Court so order it.[1]

Event	Current Date	Proposed Date
Disclosure of Amended Infringement Contentions based solely on discovery produced in this matter shall be served. The parties shall serve clean and redlined	April 5, 2024	April 26, 2024

[1] The parties will submit a Stipulation if requested by the Court to do so.

Event	Current Date	Proposed Date
versions of the Amended Infringement Contentions.		
Non-infringement Contentions and Responses to the Amended Infringement Contentions shall be served. The parties shall serve clean and redlined versions of the Amended Non-infringement Contentions and Responses.	April 26, 2024	May 17, 2024
The parties shall file and serve their opening *Markman* submissions (L. Pat. R. 4.5(a))	April 5, 2024	April 12, 2024
Discovery from experts submitting declarations under L. Pat. R. 4.5(a) shall conclude (L. Pat. R. 4.5(b))	April 26, 2024	May 3, 2024
Markman response briefs and evidence in support of claim construction are due (L. Pat. R. 4.5(c))	May 17, 2024	May 24, 2024
Counsel shall confer and proposed a schedule for a Claim Construction Hearing (L. Pat. R. 4.6)	May 24, 2024	May 31, 2024
Fact Discovery shall close	July 19, 2024	July 19, 2024

Approved RLS

Claim Construction Briefing for Certain Terms:

The parties have identified multiple terms for claim construction in the CMT patents (U.S. Patent No. 10,246,037 ("the '037 Patent") and U.S. Patent No. 11,587,368 ("the '368 Patent")) and the Sfara patents (U.S. Patent No. 8,989,952 ("the '952 Patent") and U.S. Patent No. 9,333,946 ("the '946 Patent")). *See* ECF No. 84.

In order to narrow the number of terms to be addressed during claim construction, and in line with the general practice of courts in this District, which often defer briefing on indefiniteness arguments until summary judgment or trial, the parties have agreed, subject to Sfara's motion to strike discussed below, that they need not address the claim terms below during claim construction and may instead address indefiniteness

arguments for these terms, if they so choose, on summary judgment or at trial, as appropriate. *See, e.g., Horizon Pharma, Inc. v. Dr. Reddy's Lab'ys, Inc.*, No. CV 15-3324 (SRC), 2017 WL 5451748, at *5 (D.N.J. Nov. 14, 2017) ("This Court considers indefiniteness arguments on summary judgment or at trial, and not at claim construction.").

'037 Patent	'952 Patent	'946 Patent
• "the narrative human-readable prose documentation" • "the human-readable documentation" • "common phrases"	• "first detector signal" • "second detector signal" • "first mode" • "second mode"	• "detected field signature" • "second detected field signature" • "comparison signal" • "parameter signal" • "an association"

The parties specifically reserve and do not waive any of their rights with respect to these terms. If this meets the Court's approval, we respectfully request that the Court so order it.

Sfara's Motion to Strike:

Sfara filed a motion to strike certain terms that CMT proposed for claim construction that CMT now argues are governed by 35 U.S.C. §112(f) and/or are indefinite but failed to disclose as such in its L. Pat. R. 3.3(c) invalidity contentions. (D.I. 85). CMT opposed Sfara's motion to strike for the reasons detailed in its opposition brief (D.I. 86). Briefing of that motion is now fully submitted, and has been set for April 1, 2024, before Your Honor. (D.I. at 85-87). Sfara believes that resolution of this motion may greatly reduce the number of claim terms for the parties to brief and the Court to construe. CMT believes that its arguments, which are important and claim-dispositive as to Sfara's patents, should be litigated on the merits.

Additional Narrowing of Terms in Dispute:

The parties are continuing to meet and confer in an attempt to further reduce the number of claim terms in dispute and will notify the Court if there are any issues to be addressed by the Court.

The parties are available to appear telephonically to discuss these issues at the Court's convenience and thank the Court for its consideration.

Respectfully submitted,

Tedd Van Buskirk

Tedd W. Van Buskirk
Daignault Iyer LLP

cc: All counsel of record via ECF

The above proposed amended schedule is hereby approved.

So Ordered this 3d day of April, 2024

Hon. Rukhsanah L. Singh, U.S.M.J.