CLOSED,DISCOVERY-CJB,PATENT,VACANTJUDGESHIP-2017

U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:18-cv-00966-CFC-CJB

VLSI Technology LLC v. Intel Corporation
Assigned to: Judge Colm F. Connolly
Referred to: Judge Christopher J. Burke
Related Cases: 1:19-cv-00426-CFC
1:24-cv-00803-CFC
Cause: 35:271 Patent Infringement

Date Filed: 06/28/2018
Date Terminated: 12/27/2022
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

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		Supplemental Objections and Responses to Intel's Fifth Set of Interrogatories (Nos. 22-42) filed by VLSI Technology LLC.(Farnan, Brian) (Entered: 04/20/2020)
04/24/2020	612	NOTICE OF SERVICE of (1) Intel Corporation's Ninth Supplemental Initial Disclosures, (2) Intel Corporation's Eighth Supplemental Objections and Responses to VLSI Technology LLC's First Set of Interrogatories (Nos. 1-13), and (3) Intel Corporation's Fourth Supplemental and Amended Objections and Responses to VLSI Technology LLC's Third Set of Interrogatories (Nos. 15-16) filed by Intel Corporation.(Tigan, Jeremy) (Entered: 04/24/2020)
04/27/2020		SO ORDERED D.I. 610 STIPULATION TO EXTEND TIME (i) Certain Fact Discovery; (ii) Opening Expert Reports; (iii) Rebuttal Expert Reports; (iv) Reply Experts Reports; (v) Expert Discovery; and (vi) Dispositive Motions to (i) June 22, 2020; (ii) July 31, 2020; (iii) September filed by VLSI Technology LLC. Ordered by Judge Christopher J. Burke on 4/27/2020. (dlb) (Entered: 04/27/2020)
04/28/2020	613	MOTION for Pro Hac Vice Appearance of Attorney Ben J. Yorks - filed by VLSI Technology LLC. (Farnan, Brian) (Entered: 04/28/2020)
04/29/2020		SO ORDERED, re 613 MOTION for Pro Hac Vice Appearance of Attorney Ben J. Yorks filed by VLSI Technology LLC. Signed by Judge Colm F. Connolly on 4/29/2020. (fms) (Entered: 04/29/2020)
05/04/2020		Pro Hac Vice Attorney Ben Yorks for VLSI Technology LLC added for electronic noticing. Pursuant to Local Rule 83.5 (d)., Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (mal) (Entered: 05/04/2020)
05/04/2020	614	NOTICE OF SERVICE of VLSI Technology LLC's Supplemental Privilege Log Supplemental Identification of Attorneys filed by VLSI Technology LLC.(Farnan, Brian) (Entered: 05/04/2020)
05/08/2020	615	ORAL ORDER The Court, having considered Defendant Intel Corporation's ("Defendant") motion to stay pending inter partes review ("IPR") proceedings ("Motion"), (D.I. 585), and the briefing related thereto, (D.I. 586; D.I. 592; D.I. 596), and having considered the three stay-related factors, hereby ORDERS that the Motion be GRANTED-IN-PART. The decision here would have been more difficult, but for a very sensible alternate proposal made by Plaintiff VLSI Technology LLC ("Plaintiff") which, in granting this motion in part, the Court is adopting. In its answering brief, Plaintiff agreed: (1) to stay the case as to two of the four patents-in-suit where there are currently asserted claims under review in IPR proceedings (i.e., the '026 patent and the '552 patents), and (2) to drop one currently asserted claim of the '331 patent. (D.I. 592 at 2) This proposal brings with it the chance to maximize efficiency for all parties and the Court. It allows the case (a case pending for nearly two years, in which the Court and the parties have already invested a tremendous amount of time and energy) to move forward regarding the asserted claims of two patents (the '027 patent and the '331 patent) that will be unaffected by the IPR proceedings, and to be ready for trial on the asserted claims of those patents (if necessary) once the District Court resolves summary judgment motions that are set to be filed later this year. And if Defendant is correct that the asserted claims of the '026 and '552 patents will be found to be invalid by the United States Patent and Trademark Office, (D.I. 586 at 9), then such a stay will ensure that no wasted work is done by the parties or by the Court as to those two patents between now and when the IPRs conclude by February 2021. And alternately, if any of the asserted claims of the '026 and '552 patents are not found invalid in the IPRs by early 2021, the District Court will retain flexibility as to how to handle that situation (in that it could then decide to hold one later-scheduled trial on all remaining patents/asserted claims, after any remaining pre-trial work concludes as to the '026 and '552 patents, or it could then decide to move forward with trial as to the '027 and '331 patents and put any surviving asserted claims of the '026

		and '552 patents on a separate trial track with a separate trial date). Therefore, the case is STAYED with regard to the '026 and '552 patents until further order of the Court. The Court also ORDERS that by no later than May 15, 2020, the parties shall submit a joint letter, of no more than three single-spaced pages, advising the Court and the District Court as to which portions of the other currently pending motions (D.I. 255; D.I. 257; D.I. 276; D.I. 580) need not be decided at this time (unless the Court or the District Court determines otherwise) because those portions deal with the '026 and '552 patents. The Court further ORDERS the parties to jointly notify the Court by letter within 10 days of the issuance of a Final Written Decision in the IPR proceedings (so that the Court can determine whether to lift the stay at that point).Ordered by Judge Christopher J. Burke on 5/8/2020. (dlb) (Entered: 05/08/2020)
05/15/2020	616	NOTICE OF SERVICE of Plaintiff VLSI Technology LLC's Amended Identification of No More Than Eighteen Asserted Patent Claims Pursuant to the Court's April 22, 2019 Memorandum Order (D.I. 136) and May 8, 2020 Oral Order (D.I. 615) filed by VLSI Technology LLC.(Farnan, Brian) (Entered: 05/15/2020)
05/15/2020	617	Joint Letter to The Honorable Christopher J. Burke from Brian E. Farnan regarding Impact of Order Partially Staying Case on Pending Motions - re 615 Oral Order,,,,,,,,,,,,,. (Farnan, Brian) (Entered: 05/15/2020)
05/19/2020	618	NOTICE OF SERVICE of Intel Corporation's Fourth Supplemental and Amended Objections and Responses to VLSI Technology LLC's Second Set of Interrogatories (No. 14) filed by Intel Corporation.(Tigan, Jeremy) (Entered: 05/19/2020)
05/26/2020	619	NOTICE to Take Deposition of Eric Scheuerlein and Daylight Law, P.C. on June 2, 2020 filed by Intel Corporation.(Tigan, Jeremy) (Entered: 05/26/2020)
05/28/2020	620	NOTICE OF SERVICE of Intel Corporation's Tenth Supplemental Initial Disclosures filed by Intel Corporation.(Tigan, Jeremy) (Entered: 05/28/2020)
06/09/2020	621	NOTICE to Take Deposition of Cindy Simpson on June 11, 2020 filed by Intel Corporation.(Tigan, Jeremy) (Entered: 06/09/2020)
06/19/2020	622	NOTICE OF SERVICE of VLSI Technology LLC's Second Amended Privilege Log filed by VLSI Technology LLC.(Farnan, Brian) (Entered: 06/19/2020)
06/19/2020	623	ORAL ORDER: The Court, having reviewed Defendant's motion for leave to amend its answer, defenses and counterclaims ("Motion"), (D.I. 255), by which it seeks to add counterclaims and corresponding defenses for unenforceability of three of the five asserted patents (the '633 patent, the '027 patent and the '331 patent) due to inequitable conduct ("the inequitable conduct claims") and the affirmative defense of unclean hands (the "unclean hands defense"), as well as the briefing related thereto, (D.I. 256; D.I. 273; D.I. 287), hereby ORDERS that the Motion is GRANTED. Plaintiff challenged the Motion on two grounds: (1) that Defendant unduly delayed in bringing it (and relatedly, that this delay demonstrated that the Motion was brought in bad faith); and (2) that grant of the Motion would cause undue prejudice to Plaintiff. (D.I. 273 at 5-14) (Plaintiff did not challenge the Motion on futility grounds, noting that it would instead reserve such arguments for a forthcoming motion to dismiss/strike the claims/defenses, were the Motion granted.) (Id. at 5, 15) With regard to undue delay, Plaintiff is probably correct that most or all of the documents and facts underlying the inequitable conduct claims were publicly available to Defendant prior to the date when Defendant filed its initial Answer on April 9, 2019, (D.I. 128), the date by which Plaintiff argues Defendant should have timely brought these allegations. And it is also probably true that a good bit (though certainly not all) of the material related to Defendants' unclean hands defense was available to Defendant by then. But it is also true that (especially in this large, complex case) it could have reasonably taken Defendant some time thereafter to process the