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To: [Bokar, Erik M. \(Assoc-ORL-IP-Tech\)](#); [Lukas Jr., James J. \(Shld-Chi-IP-Tech\)](#); [Levinstein, Matthew J. \(Shld-Chi-IP-Tech\)](#); [Gilford, Benjamin P. \(Shld-MSP-IP-Tech\)](#); [Delcollo, Renee M. \(Assoc-DEL-IP-Tech\)](#); [Patchin, Sean \(Assoc-CHI-IP-Tech\)](#)
Cc: [Piepmeier, Sarah \(Perkins Coie\)](#); ImagineAR_Perkins@perkinscoie.com; [Metzler, Sara M.](#); [Farnan, Kelly E.](#)
Subject: ImagineAR v. Niantic, Case No. 24-1252-JDW (D.Del.) - Case Narrowing
Date: Wednesday, September 3, 2025 6:39:34 PM
Attachments: [2025-09-03 ImagineAR Inc., et al. v. Niantic, Inc. - Piepmeier Ltr to Plaintiffs re Case Narrowing.pdf](#)

EXTERNAL TO GT

Counsel,

Please see the attached correspondence.

Regards,

Andrew Ohlert
COUNSEL

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September 3, 2025

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Re: *ImagineAR, Inc., et al. v. Niantic, Inc.*; D. Del. Case No.: 1:24-cv-01252-JDW

Counsel:

We write again to address Plaintiffs' apparent refusal to narrow this case to a manageable size. As we have repeatedly stated, including most recently in the parties' meet and confer on August 25, 2025, the size of this case is unnecessarily unwieldy, both in terms of the number of games Plaintiffs continue to accuse, and in terms of the number of asserted claims. The below chart identifies the asserted patents, claims, and accused products based on Plaintiffs' August 1, 2025 infringement contentions:

Pat. No.	Asserted Claims	Products Accused
'746	1-3, 5-8, 13-19, 25, 26 (16 total claims)	Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite, and any similar products
'592	1-8, 10-13, 16-25 (22 total claims)	Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite, and any similar products
'710	1-5, 7-13, 15, 16, 18-24 (21 total claims)	Pokémon GO, Harry Potter: Wizards Unite, and any similar products
'284	1-27 (27 total claims)	Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite, and any similar products
'797	1-24, 26-28 (27 total claims)	Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite, and any similar products
'827	1-24, 26-28 (27 total claims)	Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite, and any similar products
'691	1-24, 26-28 (27 total claims)	Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite, and any similar products
	<u>167</u> asserted claims	

As you know, the parties' claim construction deadlines are imminent, and given the 167 asserted claims across seven patents, the parties will expend an inordinate amount of resources briefing claims that will inevitably have to be dropped. Despite having Defendant's core technical production for nearly nine weeks, Plaintiffs have made zero attempt to narrow this case. Indeed, despite the passage of nearly nine months from filing to infringement contentions, Plaintiffs' infringement contentions simply asserted almost every claim across all 7 patents. Moreover, Plaintiffs continue to accuse Skatrix and Peridot, despite those games requiring the addition of other defendants to the case (with Plaintiffs' agreed-upon deadline to add other parties having passed long ago) and despite our informing you that those games have essentially no revenue at stake. Delay is no longer acceptable. Plaintiff must make some narrowing elections now.

Because Plaintiffs have not made any proposal and seem unwilling to engage in any productive narrowing discussions, we propose the following, in line with the claim narrowing order in *Ethicon LLC v Intuitive Surgical, Inc.*, Case No. 17-871-LPS-CJB (Jan. 9, 2018):

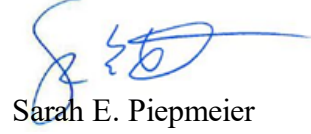
Date	Narrowing Action	Relevant Deadline
September 12, 2025	--	Parties exchange claim terms
September 19, 2025	Plaintiffs elect 30 claims	--
September 26, 2025	--	Parties exchange claim constructions
October 3, 2025	Defendant elects 5 primary references per patent	--
October 24, 2025	--	Opening Claim construction brief due (Plaintiffs)
TBD	--	Markman hearing
TBD	--	Claim construction order issues
2 weeks after claim construction order	Plaintiffs elect 18 claims across no more than 3 patents	--
2 weeks after Plaintiffs' election of claims and patents	Defendant elects 3 primary references per patent	--

Please provide your availability for a meet and confer this week. If the parties cannot come to agreement, we intend to promptly raise this issue with the Court to avoid wasting judicial resources in engaging in claim construction for claims and patents that will certainly have to be dropped. Thank you.

September 3, 2025

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Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Piepmeier', with a long horizontal flourish extending to the right.

Sarah E. Piepmeier

cc: Counsel of Record