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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COGENT MEDICINE INC.,

Plaintiff,

v.

ELSEVIER INC.,

Defendant.

Case No. 3:13-cv-4479

PLAINTIFF'S STATUS REPORT

Plaintiff Cogent Medicine, Inc. hereby submits its Status Report pursuant to the Court's December 30, 2013 Order. (Dkt. #9).

I. Background

Plaintiff is the owner of all right, title, and interest in United States Patent No. 7,133,879, entitled "Personalized Library Interface for Providing Data to a User," duly and legally issued by the United States Patent and Trademark Office on November 7, 2006 (hereinafter, the "Asserted

1 Patent”). The Asserted Patent generally describes and claims a computer-implemented method for
2 providing users with a personal library interface containing medical literature.

3 Plaintiff was formed in 2000 by the inventors of the Asserted Patent, Dr. Alan Maloney
4 and Dr. Brian Goldsmith, to provide medical professionals access to medical literature in a
5 personalized library interface via its website (<http://www.cogentmedicine.com>). In 2012,
6 Plaintiff sold its personalized library interface service and website to the American College of
7 Radiology (the “ACR”). The ACR continues to operate the service
8 (<https://www.acrjournaladvisor.com/>). Plaintiff retains its rights in all its intellectual property,
9 including the Asserted Patent, and Drs. Maloney and Goldsmith continue to control Plaintiff.
10

11 Plaintiff alleges that Defendant Elsevier, Inc. (“Defendant”) has infringed and continues to
12 infringe the Asserted Patent by making, using, offering to sell, selling, and/or importing into the
13 United States at least the MD Consult, First Consult, and Clinical Key products and services,
14 accessible through at least <http://www.mdconsult.com>, <http://firstconsult.com>,
15 <http://www.clinicalkey.com>, and the iOS First Consult mobile application.
16

17 **II. Status of Case**

18 After Plaintiff filed its complaint on September 27, 2013, the parties engaged in
19 preliminary settlement discussions. On November 14, 2013, Plaintiff sent a Request for Waiver
20 of Service to Defendant pursuant to Fed. R. Civ. Pro. 4(d)(1). (*See* Dkt. #7.) Defendant executed
21 the Waiver of Service and Plaintiff filed the waiver on November 14, 2013. (*Id.*) Accordingly,
22 pursuant to Fed. R. Civ. Pro. 4(d)(3), Defendant’s deadline to answer the Complaint was
23 originally January 13, 2014. (*Id.*)
24

25 Thereafter, Defendant engaged litigation counsel. Defendant requested that Plaintiff agree
26 to an extension to Defendant’s January 13 deadline to answer the Complaint. Plaintiff agreed to a
27 two-week extension of Defendant’s deadline to answer the Complaint. Accordingly, on January
28

1 7, 2014, Defendant filed the parties' stipulation to extend Defendant's deadline to answer the
2 Complaint to January 27, 2014. (Dkt. #11.)

3 **III. Next Steps**

4 Plaintiff requests that this Court issue a revised ADR Scheduling Order, resetting the
5 deadline for the parties to file a case management statement to January 31, 2014, and resetting the
6 initial case management conference to ~~February~~ ^{March} 6, 2014 at 10:00 AM.

7
8 Respectfully submitted,

9 Dated: January 9, 2014

GUTRIDE SAFIER LLP



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Attorneys for Cogent Medicine Inc.

19 Dated: January 10, 2014

20 The parties shall appear on March 6, 2014 at 10:00 a.m, for
21 a Case Management Conference, in Courtroom B, 15th Floor,
22 before Magistrate Judge Maria-Elena James. A Joint Case
23 Management Statement shall be E-filed no later than February
24 27, 2014.