

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SENTIUS INTERNATIONAL, LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

) Case No.: 5:13-cv-00825-PSG

) **ORDER RE: MOTION FOR LEAVE**  
) **TO AMEND INFRINGEMENT**  
) **CONTENTIONS**

) **(Re: Docket No. 70)**

Before the court is Plaintiff Sentius International, LLC’s motion for leave to amend infringement contentions<sup>1</sup> to add three dependent claims in this case following the court’s claim construction order<sup>2</sup> issued in January. Defendant Microsoft Corporation opposes. Pursuant to the Civil L.R. and at the invitation of the parties, the court finds this dispute suitable for disposition on the papers.<sup>3</sup>

<sup>1</sup> See Docket No. 70.

<sup>2</sup> See Docket No. 66.

<sup>3</sup> See Civil L.R. 7-1(b) (“In the Judge’s discretion, or upon request by counsel and with the Judge’s approval, a motion may be determined without oral argument or by telephone conference call.”).

1 Although Microsoft takes issue with Sentius’ diligence in seeking leave, the court finds  
 2 Sentius moved with adequate diligence following an adverse claim construction ruling.<sup>4</sup>  
 3 Microsoft’s more compelling argument centers on the prejudice it might face by adding dependent  
 4 claims into the mix in this case. To mitigate any prejudice, the court will permit Sentius to  
 5 supplement its infringement contentions with three additional dependent claims, but it must drop  
 6 three additional claims in the process from the ’633, ’731 or ’985 patents and keep the total number  
 7 of asserted claims within the three remaining patents at twenty-nine.<sup>5</sup> With trial set for February of  
 8 2015, plenty of trial preparation time remains. The court also will entertain requests for relief from  
 9 the case scheduling order should either party benefit from some reshuffling of intermediate  
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 13 <sup>4</sup> See Docket No. 66 at 2.

CLAIM TERM/DISPUTE	CONSTRUCTION
<p>15 “a link to the at least one of the plurality of            16 external reference materials/links to the external            17 reference materials”            18 The ’633 and ’731 patents</p>	<p>15 a pointer to data or information or the location            16 of data or information that is external to the            17 source material            18 /            19 pointers to data or information or the location of            20 data or information that is external to the source            21 material</p>

22 <sup>5</sup> See Docket No. 71-3, Ex. B at 3.

Patent	Claims Alleged Infringed Literally and/or Under the Doctrine of Equivalents
U.S. Patent No. RE40,731 (’731 patent)	8, 18, <u>24</u> , 26, 27, 36, 49, 96
U.S. Patent No. RE43,633 (’633 patent)	62, 64, 67, <u>70</u> , 72, 76, 146, 148, 149, 151, <u>154</u> , 156, 159, 164
U.S. Patent No. 7,672,985 (’985 patent)	1, 6, 10, 11, 16, 37, 38, 40, 41, 44
<del>U.S. Patent No. 8,214,349 (’349 patent)</del>	<del>1, 6, 13, 14, 15, 16, 20, 22, 24, 25, 26, 27, 31, 35, 41</del>

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deadlines. The court similarly will entertain requests for additional construction triggered by the addition of these dependent claims.

**IT IS SO ORDERED.**

Dated: March 26, 2014

  
PAUL S. GREWAL  
United States Magistrate Judge