

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Nuance Communications, Inc., : CIVIL ACTION
: NO. 16-5173
Plaintiff :
v. :
: :
International Business :
Machines Corporation, :
: :
Defendant. :

ORDER

AND NOW, this **14th** day of **October, 2020**, it is hereby **ORDERED** that the parties shall submit supplemental briefing on the following issues:

1. Does the statute of limitations bar this suit?
Specifically, what level of knowledge triggers the statute of limitations, and does either the continuing breach doctrine or equitable estoppel nullify the statute of limitations defense?
2. What remedies are appropriate? Specifically, is specific performance barred by the clause in the contract limiting liability to damages?

Plaintiff shall submit a brief on the remedies issue and Defendant shall submit a brief on the statute of limitations issue by **October 29, 2020**. Plaintiff shall submit a response brief on the statute of limitations issue and Defendant shall

submit a response brief on the remedies issue by **November 13, 2020**. Each brief is not to exceed 20 double-spaced pages.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.