

U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:20–cv–00136–RGA–JLH

ID Image Sensing LLC v. Omnivision Technologies, Inc.
Assigned to: Judge Richard G. Andrews
Referred to: Judge Jennifer L. Hall
Cause: 35:271 Patent Infringement

Date Filed: 01/29/2020
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Date Filed	#	Docket Text
04/18/2022	113	<p>ORAL ORDER: Having reviewed Defendant's Motion for a Teleconference to Resolve Discovery Dispute (D.I. <u>101</u>) and the accompanying letter briefs, exhibits, and supplemental authority (D.I. 108, 109, 112), IT IS HEREBY ORDERED that Defendant's request to "strike" Plaintiff's supplemental infringement contentions is DENIED. Plaintiff supplemented its contentions prior to the Court's deadline, and Defendant does not suggest that Plaintiff raised a new infringement theory too late in the case. Rather, the gist of Defendant's argument is that Plaintiff's infringement theories lack merit. However, contentions are a discovery tool, and a motion to strike contentions is not the appropriate vehicle to assess whether Plaintiff's infringement theories are legally viable. Defendant will have the opportunity to argue that Plaintiff's theories lack merit in a motion for summary judgment and/or at trial. Although Defendant opted to move to strike the supplemental contentions in their entirety (rather than move to compel Plaintiff to further supplement), the Court has reviewed Plaintiff's contentions and is satisfied that they provide sufficient notice of Plaintiff's legal theories to allow Defendant to fairly prepare a defense against them. For example, Plaintiff identified an indicator and a control circuit in one accused product with specificity and a short but clear explanation. (D.I. 108, Ex. F at 10–11, 17–22.) Plaintiff has further represented that its infringement theory is "exactly the same for all" the accused products. (D.I. 109 at 3.) For the same reason, Defendant has not shown that Plaintiff's response to Defendant's Interrogatory No. 11 is insufficient. Accordingly, Defendant's request to compel Plaintiff to supplement its response to Interrogatory No. 11 is DENIED. This ruling is without prejudice to Defendant's ability to move to strike any portions of expert reports (or summary judgment briefing) that relies on evidence or legal theories not fairly disclosed. The teleconference scheduled for April 19, 2022 is CANCELLED. ORDERED by Judge Jennifer L. Hall on 4/18/2022. (ceg) (Entered: 04/18/2022)</p>