

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SPRINT COMMUNICATIONS	:	
COMPANY, L.P.,	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 17-1734-RGA
	:	
CHARTER COMMUNICATIONS, INC.,	:	
et al.,	:	
	:	
Defendants.	:	

ORDER

Whereas, a jury trial is scheduled for October 5, 2020;

Whereas, Defendants “Charter” have requested a continuance (D.I. 541);

Whereas, Plaintiff Sprint opposes the request (D.I. 543);

Whereas, the trial involves witnesses and lawyers coming from all over the United States, including at least CA, CO, DC, FL, IL, NJ, NY, MA, MO, and TX;

Whereas, Charter represents that it has “8 or more counsel anticipated to handle aspects of the trial” and claims limiting Charter to “4-6 people in the courtroom would be unduly prejudicial”;

Whereas, Charter points out that there are nine pending motions;

Whereas, Charter points out that the patents are all expired so that delay is not as prejudicial as in cases with allegations of on-going infringement;

Whereas, the parties are preparing the pretrial order, which is going to be a less-than-usually useful document in light of the outstanding motions; and

Whereas, the District of Delaware now holds out the possibility of jury trials as of September 15, 2020, in the discretion of the presiding judge;

NOW THEREFORE this 2nd day of September, 2020, IT IS HEREBY ORDERED that the pretrial conference and the trial are CONTINUED to dates to be set. This case is not going to be ready for trial on October 5, 2020, even if conditions in Delaware and the rest of the country permit all the necessary travel without undue risk. First, I doubt that I am going to get all the motions resolved by then. Second, if the trial were held on October 5, the number of attorneys I would allow in the Courtroom would be two per side.¹ (I may insist on this practice for some time.). Third, while I anticipate a jury could be assembled for an October 5 trial, I do not think it prudent to make the first civil jury trial in Delaware be one in which the risk from the nature of the case – no one from Delaware but me, court staff, and the jury – is at the maximum, particularly when there is essentially no harm from delay.

/s/ Richard G. Andrews
United States District Judge

¹ This is what I am doing for a mostly in-person bench trial scheduled for September 14, 2020.