

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SONOS, INC.,

Plaintiff,

v.

D&M HOLDINGS INC. d/b/a THE D+M
GROUP, D&M HOLDINGS U.S. INC., and
DENON ELECTRONICS (USA), LLC,

Defendants.

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Civil Action No. 14-1330-WCB

ORDER

In a telephonic hearing held on October 5, 2017, the Court provided instructions to the parties regarding the number of patents, claims, and prior art references to be litigated during the upcoming week-long bellwether trial. The Court instructed that Sonos would be limited to no more than two to three patents, with three patents permissible only if two of the patents shared the same specification.

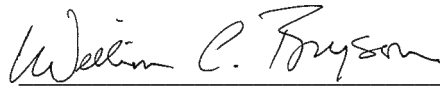
By letter dated October 20, 2017, the defendants notified the Court that Sonos had elected to assert three patents: one patent directed at the synchronization feature (U.S. Patent No. 9,195,258) and two patents directed at the group volume control feature (U.S. Patent Nos. 8,588,949 and 7,571,014). Dkt. No. 421. The defendants contended that the two group volume control features do not share a common specification and that it would be impossible to try these three patents in the upcoming five-day trial. *Id.* By letter the same day, Sonos responded that the two group volume control patents are closely related, directed at the same invention, and have substantially overlapping specifications. Dkt. No. 422. Further, Sonos notes that the '949 patent claims priority to the '014 patent, a claim that D&M contests, which would necessitate a detailed analysis of the '014 patent regardless of whether that patent is itself asserted at trial. *Id.*

The Court has reviewed the disputed patents and agrees with Sonos that trying both group volume control patents, in addition to the '258 patent, would not significantly encumber the trial. Sonos is allowed to assert those three patents at the trial scheduled to begin on December 11, 2017.

Finally, the Court reminds Sonos that it agreed to be limited to ten asserted claims unless it sought and received the Court's approval to exceed that number. Based on what the Court understands is Sonos's final election of asserted claims, Dkt. No. 369-1, Sonos has elected to assert five claims from the '258 patent, two claims from the '949 patent, and four claims from the '014 patent, totaling eleven. Sonos has not made a request to exceed ten claims. The Court therefore limits Sonos to ten asserted claims. When Sonos has made its final selection of asserted claims, Sonos is directed to inform the Court of its selections.

IT IS SO ORDERED.

SIGNED this 23th day of October, 2017.


WILLIAM C. BRYSON
UNITED STATES CIRCUIT JUDGE