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Marla R. Butler, *pro hac vice*
marla.butler@thompsonhine.com
Two Alliance Center
3560 Lenox Road Suite 1600
Atlanta, Georgia 30326-4266
Telephone: (404) 407-3680

Jeffrey C. Metzcar, *pro hac vice*
jeff.metzcar@thompsonhine.com
10050 Innovation Dr., #400
Miamisburg, OH 45342
Telephone: (937) 443-6841

Jesse L. Jenike-Godshalk, *pro hac vice*
Jesse.Godshalk@ThompsonHine.com
312 Walnut Street, Suite 2000
Cincinnati, Ohio 45202
Tel.: (513) 352-6700
Fax: (513) 241-4771

Andrew Himebaugh, *pro hac vice*
andy.himebaugh@thompsonhine.com
20 N. Clark Street, Suite 3200
Chicago, IL 60602
Telephone: (312) 998-4247

Jennifer Seraphine (State Bar No. 245463)
seraphine@turnerboyd.com
Vyson Hsu (State Bar No. 322336)
hsu@turnerboyd.com
TURNER BOYD SERAPHINE LLP
155 Bovet Road, Suite 750
San Mateo, CA 94402
Telephone: (650) 521-5930

*Attorneys for Defendants/Counterclaim-
Plaintiffs Caption Health, Inc. & GE
HealthCare Technologies Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNIVERSITY OF BRITISH COLUMBIA,)
)
Plaintiff/Counterclaim-)
Defendant,)
)
vs.)
)
CAPTION HEALTH, INC.,)
GE HEALTHCARE TECHNOLOGIES INC.,)
)
Defendant and)
Counterclaim-Plaintiff.)

Case No. 5:24-cv-03200-EKL
**ADMINISTRATIVE MOTION
REGARDING CASE SCHEDULE AND
MOTION TO STAY**

1 Pursuant to Northern District of California Local Rule 7-11, Defendants/Counterclaim-
2 Plaintiffs Caption Health, Inc. (“Caption Health”) and GE HealthCare Technologies Inc. (“GE
3 HealthCare”) (collectively “Defendants”) respectfully request the following relief regarding
4 Defendants’ pending Motion to Stay (ECF No. 72) and the case schedule.

5 **Motion to Stay and Case Schedule**

6 This is a patent infringement case wherein the Plaintiff University of British Columbia
7 (“Plaintiff” or “UBC”) alleges infringement of two patents, U.S. Patent No. 11,129,591 (“the ’591
8 patent”) and U.S. Patent No. 10,751,029 (“the ’029 patent”). (*See generally* ECF No. 46.) In the
9 Plaintiff’s First Amended Complaint, it accuses of infringement Defendants’ Caption Guidance
10 software running on Venue and Vscan products. (*Id.* at ¶ 52.)

11 On May 28, 2025, Defendants filed a petition for *inter partes* review (“IPR”) of the ’591
12 patent, requesting that the Patent Trial and Appeal Board (“PTAB”) review the validity of each
13 claim asserted in this case. (*See* ECF No. 73-2.) Defendants intend to file a petition for IPR of the
14 asserted claims of the ’029 patent long before the statutory deadline of December 20, 2025.

15 On June 27, Defendants filed a Motion to Stay this case pending a decision by the PTAB
16 in the IPR proceedings. (*See* ECF No. 72.) Motions to stay are frequently granted in this Court
17 under these circumstances. (*Id.* at 5–6 (collecting cases).) Defendants’ Motion to Stay will be fully
18 briefed on July 18, 2025, at the latest.

19 Defendants understand from the Court’s calendar and email correspondence with the Court
20 that the first available hearing date for the Motion to Stay is September 17, 2025. There are
21 significant case deadlines and hearing dates between now and that date:

- 22 • 07/11/2025 – UBC’s Opening Claim Construction Brief due
- 23 • 07/25/2025 – Defendants’ Responsive Claim Construction Brief due
- 24 • 08/01/2025 – UBC’s Reply Claim Construction Brief due
- 25 • 08/12/2025, 1:30 p.m. (via Zoom) – Claim construction tutorial
- 26 • 08/26/2025, 1:30 p.m. (in person) – Claim Construction Hearing

27 (*See* ECF No. 49.)

28 Yesterday, the Court granted Plaintiff’s Motion for Leave to Amend Infringement

1 Contentions to add, as an accused product, GE HealthCare’s SonoLyst software running on the
2 Voluson product. (ECF No. 74.) The Court’s order acknowledges that, as a result of this
3 amendment, the parties may need to do a substantial amount of additional work in the short-term
4 to supplement or amend disclosures and discovery responses that have already been served to
5 account for this newly added product. (*Id.* at 6 (listing five categories of additional work).) Such
6 additional work includes Defendants “amend[ing] their invalidity contentions.” (*Id.*)

7 **Requested Relief**

8 Defendants respectfully request that the Court decide the Motion to Stay before the claim
9 construction proceedings occur on August 12 and 26. Defendants are cognizant of the Court’s
10 schedule, and respectfully submit that this could be accomplished either by the Court scheduling
11 a set hearing date for the Motion to Stay in late July or early August; the Court issuing a decision
12 on the Motion to Stay on the papers and without hearing, if the Court deems it appropriate; or the
13 Court staying claim construction proceedings pending a decision on the Motion to Stay, and
14 entering a new schedule only if that motion is denied.

15 Defendants respectfully submit that adjusting the schedule as requested will serve the
16 interests of both litigants and judicial economy. *See* Federal Rule of Civil Procedure 1 (“These
17 rules . . . should be construed, administered, and employed by the court and the parties to secure
18 the just, speedy, and inexpensive determination of every action and proceeding.”); *ProtectConnect,*
19 *Inc. v. Leviton Mfg. Co.*, No. 10 CV 0758 MMA (BGS), 2010 U.S. Dist. LEXIS 116887, at *9
20 (S.D. Cal. Nov. 2, 2010) (granting a 90-day extension of claim construction deadlines because the
21 Court was “disinclined to begin the time-intensive claim construction process until” after other
22 events had occurred in the case, including a ruling on a pending motion for leave to amend). It is
23 not prudent for the Court and the parties to proceed with a claim construction tutorial, hearing, and
24 order, when the Court’s ruling on the Motion to Stay may render all of that work unnecessary.

25 In addition, now that Plaintiff’s motion to amend its infringement contentions has been
26 granted and a new product has been added to the case, Defendants must consider whether there are
27 additional terms that need construction to address Plaintiff’s theory of infringement as to this
28 separate product. Deciding the motion to stay before claim construction proceedings, even if that

1 requires a short extension of claim construction deadlines, will ensure Defendants have the
2 opportunity to account for this new product in taking claim construction positions.

3 Further, the amount of work to be performed in the short-term has grown substantially with
4 the addition of SonoLyst and Voluson as accused products. Some of that additional work—
5 specifically amendment of Defendants’ invalidity contentions—could affect claim construction in
6 this case. These changed circumstances only further militate in favor of deciding the Motion to
7 Stay sooner rather than later and, in any event, prior to claim construction.

8
9 Dated: July 3, 2025

Respectfully submitted,

10
11 /s/ Marla R. Butler

12 THOMPSON HINE LLP
13 Marla R. Butler, *pro hac vice*
14 marla.butler@thompsonhine.com
15 Two Alliance Center
16 3560 Lenox Road Suite 1600
17 Atlanta, Georgia 30326-4266
18 Telephone: (404) 407-3680

19 Jeffrey C. Metzcar, *pro hac vice*
20 jeff.metzcar@thompsonhine.com
21 10050 Innovation Dr., #400
22 Miamisburg, OH 45342
23 Telephone: (937) 443-6841

24 Jesse L. Jenike-Godshalk, *pro hac vice*
25 jesse.jenike-godshalk@thompsonhine.com
26 312 Walnut Street, Suite 2000
27 Cincinnati, OH 45202
28 Telephone: (513) 352-6702

Andrew Himebaugh, *pro hac vice*
andy.himebaugh@thompsonhine.com
20 N. Clark Street, Suite 3200
Chicago, IL 60602 Telephone: (312) 998-4247

Jennifer Seraphine (State Bar No. 245463)
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Vyson Hsu (State Bar No. 322336)

1 hsu@turnerboyd.com
2 TURNER BOYD SERAPHINE LLP
3 155 Bovet Road, Suite 600
4 San Mateo, CA 94402
5 Telephone: (650) 521-5930

6 *Attorneys for Defendants/Counterclaim-Plaintiffs*
7 *Caption Health, Inc. & GE HealthCare*
8 *Technologies Inc.*
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