

ORAL ORDER: Having reviewed the parties' joint status report of October 16, 2020 (C.A. No. 17-1646 D.I. 505), IT IS HEREBY ORDERED that: (i) the jury trial in the 1646 action initiated by Align will begin on April 12, 2021; (ii) a bench trial on the equitable defenses raised by 3Shape in the 1646 action will also be held in April 2021, concurrent with or immediately after the conclusion of the jury trial; (iii) the next trial to be held in this District between these parties will be in the 886 action initiated by 3Shape; (iv) trials in all the other actions between these parties pending in this District will be CONTINUED to dates to be determined after completion of the trials in the 1646 action; and (v) the parties shall meet and confer and, no later than November 20, 2020, submit proposed orders in all of the actions in which this order is being docketed to effectuate today's rulings (e.g., orders setting/resetting/vacating dates and deadlines). The Court's determinations reflect its findings as to the most reasonable and appropriate manner of proceeding considering the totality of circumstances, including: Align has initiated seven separate patent infringement actions in this District against 3Shape, while 3Shape has responded with its own patent infringement and antitrust actions, and the Court believes that all things considered it should try the first of Align's actions followed by the first of 3Shape's actions before deciding how and when to try the remaining actions; the relative progress of each of the parties' cases; that the parties are competitors and are also litigating in other fora (including W.D. Texas, ITC, and PTAB); and the Court's highly constrained resources (especially with respect to its ability to conduct jury trials), particularly during the pandemic. The Court agrees with Align that it would not be prudent "to burden the jury [in the 1646 action] with an additional, unnecessary decision" by requiring an advisory jury verdict on equitable issues. (C.A. No. 17-1646 D.I. 505 at 2) (internal quotation marks omitted) ORDERED by Judge Leonard P. Stark on 11/13/20. Associated Cases: 1:17-cv-01646-LPS et al. (ntl) (Entered: 11/13/2020)

As of November 16, 2020, PACER did not contain a publicly available document associated with this docket entry. The text of the docket entry is shown above.

Align Technology, Inc. v. 3Shape A/S et al
1-17-cv-01646 (DDE), 11/13/2020, docket entry 506