



Case Management Issues in Tecsec v. IBM Continue...

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At the status conference in this case (the transcript is [here](#)), the Court expressed serious reservations about the manageability of this case with numerous claims and defendants, and indicated that it was considering "creative restructuring" of the case. The Court even limited Tecsec to its preliminary infringement contentions, and held that Tecsec could only amend them by narrowing them. Ultimately, while taking no action at that time, the Court expressly indicated that it would not have one trial against 13 defendants, but would break the case apart at that time if it had not done so already.

In the wake of the Court's comments, the parties continue to weigh in on how Tecsec v. IBM should proceed. Noting that Tecsec's claim chart identified over 200 claims asserted against 61 products by thirteen defendants, the defendants have moved to sever and stay the claims against all defendants save IBM, with only the allegations against IBM going forward now. The defendants have also opposed Tecsec's proposed Case Management Order, as IBM has done separately, recognizing that the majority of the allegations and allegedly infringing products are against IBM, and IBM has proposed its own discovery plan.

For its part, Tecsec has submitted a proposed discovery plan, which it asserts is consistent with its proposed Case Management Order.

eBay has filed a motion to dismiss or in the alternative for judgment on the pleadings, contending that Tecsec has not identified any infringing activity conducted by eBay.

It thus remains to be seen how the Court will decide to proceed with this litigation.

See press coverage about the case [here](#) and [here](#).

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