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5 Attorneys for Plaintiff
 6 Enviro Tech Chemical Services, Inc.

7
 8 UNITED STATES DISTRICT COURT
 9 IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

10)
 11 ENVIRO TECH CHEMICAL SERVICES,)
 INC., a California corporation,) Case No. 2:08-CV-00374 KJM
 12)
 Plaintiff,) **STIPULATED AND MODIFIED**
 13) **SCHEDULING ORDER**
 v.)
 14)
 ALBEMARLE CORPORATION, a Virginia)
 corporation,)
 15)
 Defendant.)
 16)
 17)
 _____)
 18)
 AND RELATED COUNTERCLAIM)
 19)
 20)
 _____)

21
 22 Plaintiff Enviro Tech Chemical Services, Inc. and defendant Albemarle
 23 Corporation, by their undersigned counsel, hereby stipulate, pursuant to Local Rule 83-
 24 143, and mutually request a further extension of certain dates established in the current
 25 Modified Scheduling Order, document no. 31 filed on November 14, 2008. The parties
 26 exchanged initial disclosures on November 7, 2008. The next deadlines in the current
 27 Modified Scheduling Order pertain primarily to the claim construction process. The
 28 parties request that these dates be continued an additional 60 days to allow further time for

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LAW CORPORATION

1 the parties to continue the informal settlement process that is ongoing.

2 In connection with the informal settlement process, the parties have exchanged
3 confidential technical information and data related to the issue of infringement/non-
4 infringement of the patent-in-suit. Each party's information has been reviewed by counsel
5 for the opposing party and has now also been analyzed by one or more technical persons
6 for the opposing party. The parties need to obtain some additional information from each
7 other and are discussing the parameters of a settlement. Accordingly, the parties request
8 that the current dates be continued approximately 60 days to allow them to continue the
9 settlement process, to conserve judicial resources, and to maximize the efficiency of the
10 litigation.

11 Respectfully submitted,

12 Dated: January 13, 2009

MCGLINCHEY STAFFORD, PLLC

13
14 By: /s/ Joel W. Mohrman
15 Joel W. Mohrman
16 Attorneys for Defendant
Albemarle Corporation

17 **BULLIVANT HOUSER BAILY PC**

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19 By: /s/ M. Taylor Florence
20 M. Taylor Florence
21 Attorneys for Defendant
Albemarle Corporation

22 **WEINTRAUB GENSHLEA CHEDIK**
23 Law Corporation

24 By: /s/ Audrey A. Millemann
25 Audrey A. Millemann
26 Attorneys for Plaintiff
27 Enviro Tech Chemical Services, Inc.
28

ORDER

Pursuant to the foregoing stipulation of the parties, the current scheduling order is modified as follows:

1. March 16, 2009
Plaintiff to file its disclosure of asserted claims and preliminary infringement contentions with supporting documents.
After this date it is necessary to obtain leave of court to add and/or amend infringement contentions.
Join additional parties. It is not necessary to file a motion to join additional parties before this date. Thereafter, it is necessary to obtain leave of court to join additional parties.
Add new patents and/or claims for patents-in-suit. It is not necessary to file a motion to add additional patents or claims before this date. Thereafter, it is necessary to obtain leave of court to add patents or claims.
2. April 17, 2009
Defendant to file its preliminary invalidity contentions with supporting documents. Thereafter, it is necessary to obtain leave of court to add and/or amend invalidity contentions.
Add any inequitable conduct allegations to pleadings. Before this date, it is not necessary to file a motion for leave to add inequitable conduct allegations to pleadings. Thereafter, it is necessary to obtain leave of court to add inequitable conduct allegations to pleadings.
Deadline for initial document production.
3. May 5, 2009
Parties to exchange proposed terms and claim elements for construction.
4. May 22, 2009
Parties to exchange preliminary claim constructions and identify extrinsic evidence. Privilege logs to be exchanged by parties (or a letter to the court stating that there are no disputes as to claims of privileged documents).
5. June 23, 2009
Parties to file their joint claim construction and prehearing statement. The statement is to include expert witness designation and report under Rule 26(a)(2).
6. June 23, 2009
Deadline for amended pleadings.
7. July 7, 2009
Responses to amended pleadings due.
8. July 17, 2009
Parties to complete discovery on claim construction, including expert depositions.

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- 9. August 10, 2009 Plaintiff to file its claim construction brief with supporting evidence. Two sets of binders to be provided to the court.
- 10. August 24, 2009 Defendant to file its responsive claim construction brief with supporting evidence. Two sets of binders to be provided to the court.
- 11. September 9, 2009 Plaintiff to file its reply claim construction brief with supporting evidence. Two sets of binders to be provided to the court.
- 12. September 21, 2009 Parties to submit claim construction chart in WordPerfect 8.0 (or higher) format.
- 13. November 2, 2009 Markman hearing to be held beginning at 9:00 a.m. before Judge Mueller.

If further proceedings are necessary after the Markman hearing, a further status conference will be set to establish the further discovery, pre-trial and trial schedule.

IT IS SO ORDERED.

January 20, 2009.



U.S. MAGISTRATE JUDGE