1	BINGHAM McCUTCHEN LLP		
2	Donn P. Pickett (SBN 72257) Mary T. Huser (SBN 136051)		
	Adrienne L. Taclas (SBN 166115)		
3	Three Embarcadero Center		
4	San Francisco, CA 94111-4067 Telephone: (415) 393-2000		
•	Facsimile: (415) 393-2286		
5	(2711.27.27.)		
6	Marshall B. Grossman (SBN 35958)		
6	William J. O'Brien (SBN 99526) Tony D. Chen (SBN 176635)		
7	Dominique N. Thomas (SBN 231464)		
_	The Water Garden		
8	1620 26th Street Fourth Floor, North Tower		
9	Santa Monica, CA 90404-4060		
	Telephone: (310) 907-1000		
10	Facsimile: (310) 907-2000		
11	Attorneys for Defendant and Counterclaimant,		
	BLOCKBUSTER, INC.		
12			
13	UNITED STATES DISTRICT COURT		
14	NORTHERN DISTRICT OF CALIFORNIA		
15			
16	NETFLIX, INC, a Delaware corporation	Case No. C 06 2361 WHA (JCS)	
15	Plaintiff,	BLOCKBUSTER INC.'S RESPONSE	
17	V.	TO THE COURT'S REQUEST FOR	
18		INPUT ON PAGE LIMITS	
	BLOCKBUSTER, INC., a Delaware corporation,		
19	DOES 1-50,		
20	Defendant.	Complaint Filed: April 4, 2006	
21			
	AND RELATED COUNTERCLAIMS		
22			
23	In response to the Court's Request F	or Input On Page Limits, dated May 1, 2007,	
24	Defendant Blockbuster, Inc. responds as follows:		
25	Blockbuster agrees with the Court's proposed length of thirty (30) pages of		
26	briefing for opening memoranda and fifteen (15) pages for reply briefs.		
27	With respect to the 100 pages of evidentiary support, Blockbuster raises the		
	following issues for the Court to consider Dheelshuster may may for involidity or some and		
28	following issues for the Court to consider. Blockbuster may move for invalidity on some or all		

BLOCKBUSTER INC.'S RESPONSE TO THE COURT'S REQUEST FOR INPUT ON PAGE LIMITS

1	of the claims asserted by Netflix in this case. Doin	g so necessarily requires Blockbuster to		
2	introduce into evidence numerous pieces of prior art, to compare them to the numerous elemen			
3	of the claims, and to explain why it would have been obvious to combine or modify prior art to			
4	obtain the same combinations of elements set forth in various claims.			
5	Some items of prior art are described in multiple documents as well as in			
6	deposition testimony. One important document – a government-sponsored Reference Guide for			
7	libraries for the blind – is almost 300 pages in length. Blockbuster will be selective as to the			
8	prior art and supporting documents used. Still, the total number of pages required is likely to			
9	approach or exceed 100. A significant number of additional pages will be required for expert			
10	analysis of the claim elements, comparison of them to the prior art, and analysis of the			
11	obviousness of combinations and modifications.			
12	In addition, Blockbuster may move with respect to non-infringement of certain			
13	claims and with respect to inequitable conduct. Significant additional evidence and analysis			
14	4 would be required for each of these motions.	would be required for each of these motions.		
15	Should the Court and Netflix agree	Should the Court and Netflix agree to allow Blockbuster to cite to only the		
16	specific pages within the prior art references on which it relies, it would be possible for			
17	Blockbuster to limit itself to 200 pages of evidentiary support for all motions combined.			
18	8 However, if complete references are required, the e	However, if complete references are required, the evidentiary support required would be much		
19	more voluminous.			
20	O Blockbuster accepts the Court's sug	Blockbuster accepts the Court's suggestion that no evidentiary support be		
21	provided with reply memoranda without leave of Court.			
22				
23	3 DATED: May 7, 2007 Binghan	n McCutchen LLP		
24	4 By:	/s/ Donn P. Pickett		
25	5	Donn P. Pickett orneys for Defendant and Counterclaimant		
26		Blockbuster Inc.		
27	7			
28				
	PA/52202097.2/			