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16 Attorneys for Defendant and Counterclaimant,  
 Blockbuster Inc.

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

20 NETFLIX, INC., a Delaware corporation,

21 Plaintiff,

22 vs.

23 BLOCKBUSTER INC., a Delaware  
 corporation, DOES 1-50,

24 Defendants.

25  
 26 AND RELATED COUNTER ACTION.  
 27  
 28

CASE NO. C 06 2361 WHA

~~PROPOSED~~ ORDER RE  
 SCHEDULE FOR CLAIM  
 CONSTRUCTION

Complaint Filed: April 4, 2006

1 In accordance with Paragraph 4 of the Court's June 30, 2006 Case  
2 Management Order, counsel for the parties have conferred and jointly propose the  
3 following briefing schedule leading up to the patent claim construction hearing for  
4 this case, which is scheduled for January 31, 2007.

5 **October 4, 2006** – Parties to exchange proposed terms and claim  
6 elements for construction under Patent L.R. 4-1(a).

7 **October 25, 2006** – Parties to exchange preliminary proposed claim  
8 constructions and provide extrinsic evidence for claim construction under Patent  
9 L.R. 4-2(a)-(b).

10 **November 15, 2006** – Parties to file Joint Claim Construction and Pre-  
11 Hearing Statement under Patent L.R. 4-3.

12 **November 29, 2006** – Parties' deadline to complete discovery relating  
13 to claim construction, including expert depositions on claim construction issues,  
14 under Patent L.R. 4-4.

15 **December 6, 2006** – Netflix to file its opening claim construction brief  
16 under Patent L.R. 4-5(a).

17 **December 27, 2006** – Blockbuster to file its responsive claim  
18 construction brief under Patent L.R. 4-5(b).

19 **January 10, 2007** – Netflix to file its reply brief under Patent L.R. 4-  
20 5(c).

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January 17, 2007 – Court Tutorial

January 31, 2007 – Claim Construction Hearing

DATED: July 28, 2006 KEKER & VAN NEST, LLP

By \_\_\_\_\_ /s/  
Leo L. Lam  
Attorneys for Plaintiff and Counterdefendant,  
Netflix, Inc.

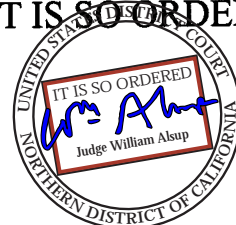
DATED: July 28, 2006 ALSCHULER GROSSMAN STEIN & KAHAN LLP

By \_\_\_\_\_ /s/  
William J. O'Brien  
Attorneys for Defendant and Counterclaimant,  
Blockbuster Inc.

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: July 31, 2006, 2006



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Honorable William H. Alsup  
United States District Judge