

1           1.       The parties, Plaintiff and Counterdefendant, Netflix, Inc., and  
2 Defendant and Counterclaimant, Blockbuster Inc., have been diligently pursuing  
3 the claim construction process and schedule delineated by this Court in its Case  
4 Management Order of June 30, 2006 and its Claim Construction Scheduling Order  
5 of July 31, 2006. Counsel would appreciate obtaining further guidance from the  
6 Court in a brief telephonic status conference.

7           2.       The exchange of the parties' proposed claim constructions is  
8 scheduled for October 25, 2006. Therefore, counsel would greatly appreciate it if  
9 the Court would schedule a brief telephonic conference before that date.

10          3.       Any calls regarding this request may be directed to Ashok  
11 Ramani for Netflix (Telephone: (415) 391-5400) and Bill O'Brien for Blockbuster  
12 (Telephone: (310) 255-9033)

13                               Respectfully submitted.

14  
15 DATED: October 20, 2006       KEKER & VAN NEST, LLP

16  
17 By Ashok Ramani by W.J. O'Brien with express consent  
18       Ashok Ramani  
19       Attorneys for Plaintiff and Counterdefendant,  
      Netflix, Inc.

20 DATED: October 20, 2006       ALSCHULER GROSSMAN STEIN & KAHAN  
21       LLP

22  
23 By \_\_\_\_\_ /S/  
24       William J. O'Brien  
25       Attorneys for Defendant and Counterclaimant,  
26       Blockbuster Inc.