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Microtech Systems Inc., Corwin Nichols,  
Cranel Inc., Discount Media Products LLC, and  
Master Recording Supply Inc.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

WORDTECH SYSTEMS, INC.,

Case No. 08-04027-MHP

Plaintiff,

vs.

**STIPULATION AND ~~PROPOSED~~  
ORDER RE DISCOVERY &  
SCHEDULING RE PATENT  
INVALIDITY /UNENFORCEABILITY  
\* AS AMENDED BY COURT**

MICROTECH SYSTEMS, INC., a California  
corporation, CORWIN NICHOLS, an  
individual, CRANEL, INC. dba CRANEL  
IMAGING, DISCOUNT MEDIA PRODUCTS  
LLC dba THE TAPE COMPANY LLC,  
MASTER RECORDING SUPPLY INC.  
and DOES I-50,

Judge: Hon. Marilyn H. Patel  
Trial Date: None Set

Defendants.

AND RELATED CROSS-CLAIMS

Per the Court's February 9, 2009 Civil Minutes Order as modified by the Court's March 12, 2009 Order, Plaintiff Wordtech Systems Inc. and Defendants and Cross-Claimants Microtech Systems Inc., Corwin Nichols, Cranel Inc., Discount Media Products LLC, and Master

1 Recording Supply Inc. (collectively, "Responding Defendants") hereby submit their proposed  
2 joint Discovery & Scheduling Order re the issues of the invalidity and/or unenforceability of  
3 plaintiff's United States letters patent Nos. 6,141,298, 6,532,198, 6,833,932 and 7,145,841 (the  
4 "Patents in Suit").

5 1. CLAIM CONSTRUCTION SCHEDULING.

6 A. Plaintiff's Disclosure of Asserted Claims and Infringement Contentions (PLR 3-1)  
7  
8 to be completed by May 6, 2009;

9 B. Defendants' Invalidity Contentions (PLR 3-3) to be completed by June 22, 2009;

10 C. Defendant's Advice of Counsel Disclosures (PLR 3-7) to be completed by June 29,  
11 2009;

12 D. Parties to exchange Proposed Terms for Construction (PLR 4-1) by July 9, 2009;

13 E. Parties to exchange Preliminary Claim Constructions (PLR 4-2) by July 29, 2009;

14 F. Joint Claim Construction and Prehearing Statement (PLR 4-3) to be filed by  
15  
16 September 9, 2009;

17 G. Claim Construction Discovery to be completed by October 13, 2009 (PLR 4-4);

18 H. Plaintiff's Opening Claim Construction Brief (PLR 4-5(a)) to be filed by October  
19  
20 27, 2009.; Defendants' response shall be filed by November 10, 2009 (PLR 4-5(b)); Plaintiff's  
21 Reply shall be filed by November 17, 2009 (PLR 4-5(c));

22 I. Claim Construction hearing shall be conducted on or after ~~December 7, 2009,~~ **December 10, 2009 at 9:00 am**  
23 subject to Court availability.

24 2. DISCOVERY ON INVALIDITY AND UNENFORCEABILITY ISSUES.

25 A. Responding Defendants will propound/take the following discovery:

26 i. Written discovery to plaintiff, inventor(s) and various third-parties as  
27  
28 follows:

- a. Interrogatories (1<sup>st</sup> set) by February 8, 2010;
- b. Requests for Admissions (1<sup>st</sup> set) by February 8, 2010;
- c. Document Inspection Demands (1<sup>st</sup> set) by February 8, 2010.
- d. Subsequent sets of written discovery TBD.

ii. Depositions of plaintiff, inventor(s) and various third-parties depending on the responses to written discovery as follows:

- a. July – October, 2010;

B. Plaintiff will propound/take the following discovery:

i. Written Discovery as follows:

- a. Document Production (1<sup>st</sup> set) by February 8, 2010;
- b. Interrogatories (1<sup>st</sup> set) by February 8, 2010;
- c. Requests for Admissions (1<sup>st</sup> set) by February 8, 2010;
- d. Subsequent sets of written discovery, TBD.

ii. Depositions of Mr. Corwin Nichols; PMQ Employee(s) of Discount Media Products; PMQ Employee(s) of Master Recording Supply; PMQ Employee(s) of Cranel, Inc.; Other third parties, TBD subject to further discovery.

- a. July - October, 2010.

3. MOTIONS.

Responding Defendants' motion for summary judgment or summary adjudication and/or for a declaratory judgment that the Patents in Suit are invalid and/or unenforceable as follows:

- A. Hearing Date: March 14, 2011; @ **2:00 p.m.**
- B. Responding Defendants' Opening Brief due February 10, 2011;
- C. Plaintiff's Opposition Brief due February 24, 2011;

1 D. Responding Defendants' Reply Brief due February 31, 2011.

2 4. SETTLEMENT AND ADR.

3 Parties will inform the Court Clerk and ADR Dept. after the invalidity/unenforceability  
4 phase of discovery is concluded and will conduct mediation with Atty. Lane prior to filing  
5 Defendant's subject motion.

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8 Dated: March 23, 2009

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10  
11 By: s/Christian J. Martinez/s  
12 CHRISTIAN J. MARTINEZ  
13 Attorney for Plaintiff Wordtech Systems Inc.

14  
15 Dated: March 23, 2009

HORNSTEIN LAW OFFICES, Prof. Corp.

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18 s/Val D. Hornstein/s  
19 By: VAL D. HORNSTEIN  
20 Attorneys for Defendants and  
21 counterclaimants Microtech Systems Inc., Corwin  
22 Nichols, Cranel Inc., Discount Media Products  
23 LLC, and Master Recording Supply Inc.

