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10 Attorneys for Defendant and Counterclaimant  
11 MICREL, INC.

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15  
16 GREGORY BENDER,

17 Plaintiff and  
18 Counterdefendant,

19 v.

20 MICREL, INC.,

21 Defendant and  
22 Counterclaimant.

Case No. C09-01144 SI

**[PROPOSED] SCHEDULING ORDER**

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[PROPOSED] SCHEDULING ORDER  
No. 3:09-cv-1144

Pursuant to the Court's Order during the parties' October 23, 2009 Case Management Conference, the parties, through their counsel, hereby STIPULATE and AGREE to the below schedule:

| ACTIVITY   | PROPOSED DATES                       |
|--|--------------------------------------|
| Initial disclosures (FRCP 26)  | October 16, 2009                     |
| Bender to serve Disclosure of Asserted Claims and Infringement Contentions and accompanying documents (Patent L.R. 3-1, 3-2) | November 6, 2009                     |
| Last day to amend pleadings  | November 27, 2009                    |
| Micrel to serve Invalidity Contentions and accompanying documents (Patent L.R. 3-3, 3-4)                                     | December 21, 2009                    |
| Parties to exchange Proposed Terms and Claim Elements for Construction (Patent L.R. 4-1)                                     | January 4, 2010                      |
| Parties to exchange Preliminary Claim Constructions and Extrinsic Evidence (Patent L.R. 4-2)                                 | January 25, 2010                     |
| Parties to file Joint Claim Construction and Prehearing Statement (Patent L.R. 4-3)  | February 19, 2010                    |
| Completion of Claim Construction Discovery (Patent L.R. 4-4)   | March 22, 2010                       |
| Case Management Conference   | June 11, 2010 at 3 p.m.              |
| Bender' Opening Claim Construction Brief and supporting evidence (Patent L.R. 4-5(a))  | August 4, 2010                       |
| Micrel's Responsive Claim Construction Brief and supporting evidence (Patent L.R. 4-5(b))                                    | August 18, 2010                      |
| Bender' Reply Claim Construction Brief and supporting evidence (Patent L.R. 4-5(c))  | August 25, 2010                      |
| Technology Tutorial Hearing  | September 8, 2010 (2hrs @ 3:30 p.m.) |
| Claim construction hearing   | September 9, 2010 (2hrs @ 3:30 p.m.) |
| Close of fact discovery  | December 3, 2010                     |
| Last day to serve expert disclosures and reports (FRCP 26(a)(2))   | January 14, 2011                     |
| Last day to serve rebuttal expert reports  | February 11, 2011                    |
| Close of expert discovery  | March 11, 2011                       |
| Last day to file dispositive motions   | May 20, 2011 hrg: 6/24/11 @ 9 a.m.   |
| Pre-trial disclosures (FRCP 26(a)(3))  | December 2, 2011                     |
| Final pretrial conference  | January 10, 2012 @ 3:30 p.m.         |
| Trial  | January 30, 2012 @ 8:30 a.m.         |

Respectfully submitted,

Dated: October 30, 2009

By:

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David N. Kuhn  
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Counsel for Plaintiff Gregory Bender

Dated: October 30, 2009

By: /

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Mark E. Miller  
O'Melveny & Myers LLP  
Counsel for Defendants and Counterclaimant  
MICREL, INC.

Pursuant to General Order No. 45 X(B), I hereby attest that concurrence in the filing of this document has been obtained from each of the above-listed signatories.

Respectfully submitted,

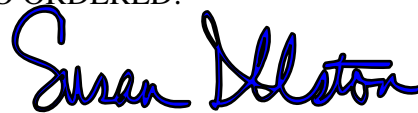
Dated: October 30, 2009

By:

\_\_\_\_\_  
David N. Kuhn  
Counsel for Plaintiff Gregory Bender

PURSUANT TO STIPULATION IT IS SO ORDERED:

Dated: \_\_\_\_\_



\_\_\_\_\_  
Judge Susan Illston  
United States District Judge