

1 ROBERT J. YORIO (SBN 93178)
 yorio@carrferrell.com
 2 COLBY B. SPRINGER (SBN 214868)
 cspringer@carrferrell.com
 3 CHRISTINE S. WATSON (SBN 218006)
 cwatson@carrferrell.com
 4 CARR & FERRELL *LLP*
 120 Constitution Drive
 5 Menlo Park, California 94025
 Telephone: (650) 812-3400
 6 Facsimile: (650) 812-3444

7 Attorneys for Plaintiff and Counterdefendant
 PIXION, INC.

TERRY W. AHEARN (SBN 216543)
 tahearn@mwe.com
 McDERMOTT WILL & EMERY LLP
 275 Middlefield Rd., Suite 100
 Menlo Park, California 94025
 Telephone: (650) 815-7400
 Facsimile: (650) 815-7401

SARAH CHAPIN COLUMBIA (Pro Hac Vice)
 scolumbia@mwe.com
 LEIGH MARTINSON (Pro Hac Vice)
 lmartinson@mwe.com
 McDERMOTT WILL & EMERY LLP
 28 State Street, 34th floor
 Boston, Massachusetts 02109
 Telephone: (617) 535-4000
 Facsimile: (617) 535-3800

Attorneys for Defendants and Counterclaimants
 CITRIX SYSTEMS, INC., and
 CITRIX ONLINE, LLC

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

16 PIXION, INC.,
 17 Plaintiff,
 18 v.
 19 CITRIX SYSTEMS, INC., et al.,
 20 Defendants.

CASE NO. C09-03496-SI (PVT-CRB)
 (RELATED CASE NO. C03-02909-SI)

[PROPOSED] SCHEDULING ORDER

21 AND RELATED COUNTERCLAIMS
 22

23
 24 Plaintiff Pixion, Inc. (“Pixion”) and Defendants Citrix Systems, Inc. and Citrix Online, LLC
 25 (collectively referred to as “Citrix”) hereby submit the following Scheduling Order governing this
 26 matter up to and including claim construction. Pixion and Citrix are collectively referred to herein
 27 as the “Parties.”
 28

1 Dated: December 13, 2010

CARR & FERRELL *LLP*

2

3

By: /s/ Colby B. Springer

4

ROBERT J. YORIO
COLBY B. SPRINGER
CHRISTINE S. WATSON

5

Attorneys for Plaintiff and Counterdefendant
PIXION, INC.

6

7

8

9 Dated: December 13, 2010

MCDERMOTT WILL & EMERY *LLP*

10

11

By: /s/ Terry Ahearn

12

TERRY W. AHEARN
FAY E. MORISSEAU
SARAH COLUMBIA
LEIGH MARTINSON

13

14

Attorneys for Defendants and Counterclaimants
CITRIX SYSTEMS, INC., and
CITRIX ONLINE, LLC

15

16

17

18

19

SIGNATURE ATTESTATION

20

Pursuant to General Order No. 45(X)(B), I hereby attest that I have obtained the
21 concurrence in the filing of this document from all the signatories for whom a signature is indicated
22 by a “conformed” signature (/s/) within this e-filed document and I have on file records to support
23 this concurrence for subsequent production for the court if so ordered or for inspection upon
24 request.

25

26 Dated: December 13, 2010

 /s/ Colby B. Springer
Colby B. Springer

27

28

[PROPOSED] SCHEDULING ORDER

IT IS HEREBY ORDERED that the following SCHEDULING ORDER is adopted by the Court for the case and that the Parties are directed to comply with this Order:

<u>Deadline</u>	<u>Nature of Discovery/Event</u>
December 17, 2010	Last day for Pixion to file Amended Complaint.
January 6, 2011	Last day for Citrix to respond to Pixion’s Amended Complaint.
January 20, 2011	Pixion to serve “Disclosure of Asserted Claims and Infringement Contentions” with Document Production (PLR 3-1 & 3-2).
March 10, 2011	Citrix to serve “Invalidity Contentions” with Document Production (PLR 3-3 & 3-4).
March 24, 2011	Mutual Exchange of Claim Terms for Construction (PLR 4-1(a)).
April 14, 2011	Exchange Proposed Constructions for Each Term identified by the Parties, including Intrinsic and Extrinsic Evidence Supporting each Construction (PLR 4-2).
May 6, 2011	Further Case Management Conference
May 12, 2011	Parties file Joint Claim Construction & Prehearing Statement (PLR 4-3).
June 9, 2011	Claim Construction Discovery Completed (PLR 4-4).
June 30, 2011	Pixion to file and serve Opening Brief with supporting evidence re claim construction (PLR 4-5(a)).
July 14, 2011	Citrix to file and serve Responsive Brief with supporting evidence regarding claim construction (PLR 4-5(b)).
July 21, 2011	Pixion to file and serve Reply Brief with supporting evidence regarding claim construction (PLR 4-5(c)).
August 4, 2011	Claim Construction Tutorial, if requested by the Court.
August 5, 2011	Claim Construction Hearing (PLR 4-6).
TBD	Fact Discovery on Damages opens.
TBD	Fact Discovery closes on all issues, including Damages. All fact discovery shall be initiated so as to be complete on or before this date.

1	75 Days after Claim	Designation of Experts
2	Construction Order:	
3	105 Days after Claim	Expert Reports Exchanged (on any matter on which a party bears the
4	Construction Order:	burden of proof).
5	145 Days after Claim	Responsive Expert Reports Exchanged.
6	Construction Order:	
7	170 Days after Claim	Expert Discovery Completed.
8	Construction Order:	
9	45 Days after Expert	Last Day to File Dispositive Motions.
10	Discovery Closes:	
11	TBD	Pretrial Conference
12	TBD	File Joint Pretrial Conference Statement and Pretrial Disclosures
13		(identification of witnesses, deposition designations and proposed trial
14	TBD	exhibits)
15	TBD	File and Serve Objections to Pretrial Disclosures
16	TBD	Deadline to File Motions In Limine
17	TBD	Deadline to File and Serve Proposed Voir Dire, Proposed Jury
18	TBD	Instructions, Proposed Verdict Forms, Joint Proposed Findings of Fact
19	TBD	and Separate Disputed Findings of Fact and Conclusions of Law
20	TBD	Deadline to Serve Subpoenas for Attendance at Trial
21	TBD	Final Pretrial Conference
22	TBD	Proposed Trial Date (expected to last 10-15 court days).

22 **IT IS SO ORDERED.**

23 Dated: _____



 THE HONORABLE SUSAN ILLSTON
 UNITED STATES DISTRICT JUDGE

28