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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PIXION, INC.,
Plaintiff,
v.
CITRIX SYSTEMS, INC.,
Defendants.

CASE NO. CV 09-03496 SI

~~PROPOSED~~
ORDER GRANTING PLAINTIFF
PIXION, INC.'S UNOPPOSED
MOTION TO CONSOLIDATE
RELATED CASES PURSUANT
TO FED.R.CIV.P. 42(a) AND
AMENDING SCHEDULING
ORDER

PIXION, INC.,
Plaintiff,
v.
CITRIX SYSTEMS, INC., et al.,
Defendants.

CASE NO. CV 11-00694 SI

1 Good cause having been shown based on the content of the unopposed Motion to
 2 Consolidate of Pixion, Inc., the Court hereby GRANTS the Motion to Consolidate *Pixion, Inc. v.*
 3 *Citrix Systems, Inc., et al.*, Case No. CV 09-03496 SI ("*Pixion P*"), and *Pixion, Inc. v. Citrix*
 4 *Systems, Inc. et al.*, Case No. CV 11-00694 SI ("*Pixion IP*") through trial [claim construction].

5 **IT IS SO ORDERED.**

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

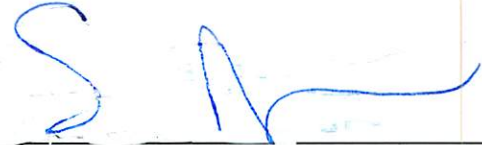
| <u>Nature of Discovery/Event</u> | <u>Previous Deadlines</u> | <u>New Deadlines</u> |
|--|---------------------------|----------------------|
| Last day for Pixion to file Amended Complaint | December 17, 2010 | No change |
| Last day for Citrix to respond to Pixion's Amended Complaint | January 6, 2011 | No change |
| Pixion to serve "Disclosure of Asserted Claims and Infringement Contentions" with Document Production (PLR 3-1 & 3-2) | January 20, 2011 | March 24, 2011 |
| Further Case Management Conference | May 6, 2011 | May 6, 2011 |
| Citrix to serve "Invalidity Contentions" with Document Production (PLR 3-3 & 3-4) | March 10, 2011 | May 12, 2011 |
| Mutual Exchange of Claim Terms for Construction (PLR 4-1(a)) | March 24, 2011 | May 26, 2011 |
| Exchange Proposed Constructions for Each Term identified by the Parties, including Intrinsic and Extrinsic Evidence Supporting each Construction (PLR 4-2) | April 14, 2011 | June 16, 2011 |
| Parties file Joint Claim Construction & Prehearing Statement (PLR 4-3) | May 12, 2011 | July 14, 2011 |
| Claim Construction Discovery Completed (PLR 4-4) | June 9, 2011 | August 11, 2011 |
| Pixion to file and serve Opening Brief with supporting evidence re claim construction (PLR 4-5(a)) | June 30, 2011 | September 1, 2011 |
| Citrix to file and serve Responsive Brief with supporting evidence regarding claim construction (PLR 4-5(b)) | July 14, 2011 | September 15, 2011 |

| | <u>Nature of Discovery/Event</u> | <u>Previous Deadlines</u> | <u>New Deadlines</u> |
|----|---|---------------------------|---|
| 1 | | | |
| 2 | Pixion to file and serve Reply Brief with supporting | July 21, 2011 | September 22, 2011 |
| 3 | evidence regarding claim construction (PLR 4-5(c)) | | |
| 4 | Claim Construction Tutorial, if requested by the | August 4, 2011 | 10/5 ^{wed} October 6, 2011 ^{Thurs} |
| 5 | Claim Construction Hearing (PLR 4-6) | August 5, 2011 | 10/6 October 7, 2011 |
| 6 | Fact Discovery on Damages opens | TBD | TBD |
| 7 | Fact Discovery closes on all issues, including | | |
| 8 | Damages. All fact discovery shall be initiated so as to | TBD | TBD |
| 9 | be complete on or before this date. | | |
| 9 | Designation of Experts | 75 Days after Claim | 75 Days after Claim |
| 10 | | Designation of | Designation of |
| 11 | | Experts | Experts |
| | | Construction Order | Construction Order |
| 12 | Expert Reports Exchanged (on any matter on which a | 105 Days after | 105 Days after |
| 13 | party bears the burden of proof) | Claim Construction | Claim Construction |
| | | Order | Order |
| 14 | Responsive Expert Reports Exchanged | 145 Days after | 145 Days after |
| 15 | | Claim Construction | Claim Construction |
| | | Order | Order |
| 16 | Expert Discovery Completed | 170 Days after | 170 Days after |
| 17 | | Claim Construction | Claim Construction |
| | | Order | Order |
| 18 | Last Day to File Dispositive Motions | 45 Days after | 45 Days after |
| 19 | | Expert Discovery | Expert Discovery |
| | | Closes | Closes |
| 20 | Pretrial Conference | TBD | TBD |
| 21 | File Joint Pretrial Conference Statement and Pretrial | | |
| 22 | Disclosures (identification of witnesses, deposition | TBD | TBD |
| | designations and proposed trial exhibits) | | |
| 23 | File and Serve Objections to Pretrial Disclosures | TBD | TBD |
| 24 | Deadline to File Motions <i>In Limine</i> | TBD | TBD |
| 25 | Deadline to File and Serve Proposed Voir Dire, | | |
| 26 | Proposed Jury Instructions, Proposed Verdict Forms, | TBD | TBD |
| 27 | Joint Proposed Findings of Fact and Separate | | |
| | Disputed Findings of Fact and Conclusions of Law | | |
| 28 | Deadline to Serve Subpoenas for Attendance at Trial | TBD | TBD |

| | <u>Nature of Discovery/Event</u> | <u>Previous Deadlines</u> | <u>New Deadlines</u> |
|---|---|---------------------------|----------------------|
| 1 | | | |
| 2 | Final Pretrial Conference | TBD | TBD |
| 3 | Proposed Trial Date (expected to last 10-15 court days) | TBD | TBD |
| 4 | | | |

IT IS SO ORDERED.

Dated: 5/18/11



HON. SUSAN ILLSTON
United States District Judge

*Because of
contribution
Close case
11-694*