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 SOURCE PHOTONICS, INC. ET AL.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

17 FINISAR CORPORATION, a Delaware  
 18 corporation,  
 19 Plaintiff and Counterdefendant,  
 20 vs.  
 21 SOURCE PHOTONICS, INC., ET AL.,  
 22 Defendants and Counterclaimants.

Case No. C-10-00032 WHA

**[PROPOSED] ORDER RE SCHEDULE  
 FOR CLAIM CONSTRUCTION**

Dept.: Courtroom 9, 19th Floor

Judge: Hon. William Alsup

|  | Finisar's Proposal        | Defendants' Proposal |
|--|---------------------------|----------------------|
| Patent L.R. 3-1 Infringement Contentions and Patent L.R. 3-2 Document Production   | May 6, 2010               |                      |
| Patent L.R. 3-3 Invalidity Contentions and Patent L.R. 3-4 & 3-7 Document Productions (if 10 or fewer claims have been asserted by a party) <sup>1</sup> | <del>June 18, 2010</del>  | June 25, 2010        |
| Patent L.R. 3-3 Invalidity Contentions and Patent L.R. 3-4 & 3-7 Document Productions (if more than 10 claims have been asserted by a party)             | <del>June 25, 2010</del>  | July 9, 2010         |
| Patent L.R. 4-1 Exchange of Proposed Terms   | <del>July 9, 2010</del>   | July 15, 2010        |
| Patent L.R. 4-2 Exchange of Preliminary Claim Constructions  | July 30, 2010             |                      |
| Patent L.R. 4-3 Joint Claim Construction and Prehearing Statement  | <del>August 6, 2010</del> | August 13, 2010      |
| Patent L.R. 4-4 Close of Claim Construction Discovery  | August 20, 2010           |                      |
| Patent L.R. 4-5(a) Opening Claim Construction Brief  | August 25, 2010           |                      |
| Patent L.R. 4-5(b) Responsive Claim Construction Brief   | September 8, 2010         |                      |
| Patent L.R. 4-5(c) Reply Claim Construction Brief  | September 15, 2010        |                      |
| Tutorial   | September 22, 2010        |                      |

<sup>1</sup> At the April 14, 2010 scheduling conference, the Court stated that if a party were to assert more than 10 claims, it would extend the deadline for submission of invalidity contentions: "If it's more than ten claims, I'm going to give them more time." Tr. at p. 9, lines 11-12. Plaintiff Finisar believes that additional time should be granted if more than 10 independent claims are asserted within a patent family. Defendants interpret the Court's statement to provide that more time will be allowed for invalidity contentions if more than 10 claims are asserted by a party regardless of whether the claims are independent claims or dependent claims and regardless of whether the asserted claims are for one patent family or are spread across multiple patent families.

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4 The Court having considered the schedule above, and upon good cause showing,

5 **IT IS HEREBY ORDERED:**

6 That the [Proposed] Order re Schedule for Claim Construction is hereby adopted by the  
7 Court. The parties shall comply with this Order.

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9 Dated: May 11, 2010

