

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GOODMAN BALL, INC.

Plaintiff,

vs.

MACH II AVIATION, INC.;  
ESCAPE VELOCITY OF TAMPA BAY,  
INC.; JOHN STANTON; WALTER  
HOLMICH; PETER ARGER; and Does 1-  
10, inclusive,

Defendants.

Case No.: 3:10-CV-01249-WHA

**~~PROPOSED~~ ORDER RE SCHEDULE  
FOR CLAIM CONSTRUCTION**

**DATE: FEBRUARY 9, 2011  
TIME: 1:30 PM  
CTRM: 9, 19<sup>th</sup> Fl.**

Judge: The Honorable William H. Alsup

1 Pursuant to this Court's *Case Management Order and Reference to ADR Unit for*  
2 *Mediation* issued on September 22, 2010 (Docket No. 37), Plaintiff Goodman Ball, Inc. ("GBI")  
3 files and emails this joint *Proposed Order Re Schedule for Claim Construction* to  
4 whapo@cand.uscourts.gov.

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1 ~~PROPOSED~~ ORDER RE ESCHEDULE FOR CLAIM CONSTRUCTION

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3 <u>Event</u>	<u>Date</u>
4 Disclosure of Asserted Claims and 5 Preliminary Infringement Contentions and 6 Accompanying Documents – Patent L.R. 3-1 and 3-2	09/27/10
7 Disclosure of Preliminary Invalidity 8 Contentions and Accompanying 9 Documents– Patent L.R. 3-3 and 3-4	10/13/10 <sup>1</sup>
10 Exchange of Proposed Terms and Claim 11 Elements for Construction – Patent L.R. 4-1(a)	10/20/10
12 Disclosure of Identity, Qualifications, and 13 Expertise of Expert Witnesses	10/20/10
14 Exchange of Preliminary Claim Construction and 15 Extrinsic Evidence – Patent L.R. 4-2(a)	11/10/10
16 Joint Claim Construction and Prehearing Statement 17 Patent L.R. 4-3	11/20/10
18 Claim Construction Prehearing Conference	11/27/10
19 Expert Witness Reports on Markman Issues	12/27/10
20 Completion of Claim Construction Discovery 21 Patent L.R.4-4	12/27/10
22 Plaintiff’s Opening Claim Construction Brief 23 Patent L.R. 4-5	01/04/11
24 Defendants’ Response to Plaintiff’s Opening 25 Claim Construction Brief	01/18/11
26 Plaintiff’s Reply to Defendants’ Response	01/25/11
27 Claim Construction Hearing	02/09/11

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<sup>1</sup> By providing this *Proposed Order Re Schedule for Claim Construction*, GBI does not in any way whatsoever consent to allow Defendants to challenge the validity of the ‘260 patent. In a series of emails and teleconferences, GBI has stated its position that it would object to any challenge by Defendants to the ‘260 patent in light of the Prior Litigation.

1 SHUTTS & BOWEN LLP

AHMADSHAHI & ASSOCIATES

2  
3 Respectfully Submitted,

Respectfully Submitted,

4 /S/John E. Johnson  
5 John E. Johnson

/S/ Michael M. Ahmadshahi  
Michael M. Ahmadshahi

6 Attorney for Defendants  
7 *Seeking Pro Hac Vice Admission*

Attorney for Plaintiff

8 *Pursuant to Gen. Ord. 45XB*  
9 *Michael M. Ahmadshahi attest*  
10 *that concurrence in the filing of*  
11 *this document has been obtained*  
12 *from the above signatory.*

13 The proposed claim construction schedule is **APPROVED.**

14 **IT IS SO ORDERED.**

15  
16 Dated: October 8, 2010.

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18 WILLIAM ALSUP  
19 UNITED STATES DISTRICT COURT  
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1 **CERTIFICATE OF SERVICE**

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3 I, Michael M. Ahmadshahi, certify under penalty of perjury that the foregoing *Proposed*  
4 *Order Re Schedule for Claim Construction* was served on the interested parties listed below, via  
5 the Court's Electronic Filing Program, United States Mail, Electronic Mail, and/or any other  
6 manner permitted by the Federal Rules of Civil Procedure on October 8, 2010.

7 /S/ Michael M. Ahmadshahi  
8 Michael M. Ahmadshahi, Esq.

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Attorneys for Defendants Mach II and Escape Velocity in Case No. 3:07-CV-01148-BZ; and  
Attorneys for Defendants Escape Velocity, Stanton, and Arger in Case No. 3:10-CV-01249-  
WHA.