

From: "Halpern, Kenneth (Perkins Coie)" <KHalpern@perkinscoie.com>
To: "jstcrd@cand.uscourts.gov" <jstcrd@cand.uscourts.gov>
Cc: "Kelley, Christopher L. (Perkins Coie)" <CKelley@perkinscoie.com>, "McNamara, Antoine (Perkins Coie)" <AMcNamara@perkinscoie.com>, "Wesenberg, Eric (Perkins Coie)" <EWesenberg@perkinscoie.com>

Date: Wednesday, August 21, 2013 10:41AM
Subject: Emblaze v. Microsoft (Case No. 12-cv-5422) -- Question regarding scheduling of summary judgment in relation to claim construction

Dear Mr. Noble:

As you suggested when we spoke yesterday, I am emailing you with the following question regarding scheduling in the Emblaze/Microsoft matter. The technology tutorial is presently scheduled for Tuesday, October 29, 2013 at 2 pm, and the claim construction hearing for Tuesday, November 12, 2013, also at 2 pm. If Microsoft wanted to file a summary judgment motion on noninfringement to be heard, or at least considered, concurrently with claim construction, what schedule would the Court prefer? Should the noninfringement motion be heard as part of or immediately following the claim construction hearing, or sometime thereafter, and if so, how long thereafter would the Court consider to be optimal?

Many thanks,

Ken Halpern

Kenneth J. Halpern | Perkins Coie LLP

3150 Porter Drive
Palo Alto, California 94304-1212
PHONE: 650.838.4308 (O) • 650.815.8889 (M)

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