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March 28, 2013

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Honorable Judge Edward M. Chen  
United States District Court  
Northern District of California  
450 Golden Gate Avenue, 15th Floor  
San Francisco, CA 94102

Re: GeoTag, Inc. v. Zoosk, Inc., 13-cv-00217-EMC (MEJ), United States District  
Court for the Northern District of California

Dear Honorable Judge Chen:

In accordance with the Case Management Conference held on March 14, 2013, and the Court's Minute Entry (Dkt. 130), the parties jointly submit the follow proposal.

### **Proposed Claim Construction Briefing Schedule**

Having met and conferred on the proper timing and schedule of the parties and following the Court's guidance regarding the timing of the *Markman* hearing to take place in the Fall, and being unable to reach agreement, the parties submit the following proposed competing schedules for the supplemental infringement and invalidity contentions and the claim construction briefing:

The Parties understand the Court's order and discussions during the March 14, 2013 CMC to mean:

**Supplemental Claims and Infringement Contentions:** Plaintiff will review the source code of Defendant and supplement its claims and infringement contentions to reference source code.

**Supplemental Invalidity Contentions and Supplemental Document Production:** Defendant may supplement its invalidity contentions, and associated document production, upon filing of a noticed motion and subsequent granting, for good cause, by the Court approving the supplementation. The parties disagree as to the proper deadlines on the invalidity disclosures.

GeoTag proposes a deadline by which Zoosk must serve its supplemental invalidity contentions should they be allowed by the Court, thus allowing Zoosk to file the motion at its discretion. Zoosk's proposal allows it to file invalidity contentions at anytime, which is inconsistent with existing Patent Local Rules, and would be inequitable to GeoTag.

Zoosk proposes a deadline by which it will move for leave to supplement its invalidity contentions if necessary. Zoosk believes that a deadline to serve the contentions, which may or may not be allowed by the Court, is premature and unduly attempts to place constraints on the Court's timing regarding its ruling on any such motion. Zoosk is amenable to a deadline for serving its supplemental invalidity contentions that takes place after the Court's ruling, and proposes 45 days after, consistent with the Patent Local Rules.

The Parties disagree as to the mechanics of the claim construction briefing.

GeoTag proposes a schedule with opening, responsive, and reply brief consistent with the Patent Local Rules, and its understanding of the Court's direction at the CMC hearing.

Consistent with its understanding of the Court's direction at the CMC hearing, Zoosk proposes simultaneous opening and reply cross-briefs on claim construction.

The Parties propose dates below for either scenario.

<b>Event</b>	<b>GeoTag's Proposed deadline</b>	<b>Zoosk's Proposed deadline</b>
GeoTag to provide Supplemental Infringement Contentions	<del>6/24/2013</del>	6/24/2013
Defendant to seek leave to serve Supplemental Invalidity Contentions	n/a	6/24/2013 30
Defendant to serve Supplemental Invalidity Contentions	<del>6/24/2013</del>	<del>45 days after Court Order Granting Leave</del>
Parties to exchange proposed terms for construction	<del>7/8/2013</del>	7/8/2013
Parties to exchange Preliminary Claims Constructions and extrinsic evidence	<del>7/29/2013</del>	7/29/2013
Parties to submit Joint Claim Construction and Prehearing Statement	<del>8/19/2013</del>	8/19/2013
Opening claims construction briefing	9/9/2013 (by GeoTag)	<del>9/9/2013 (by both parties)</del>
Responsive claims construction briefing	9/23/2013 (by Zoosk)	n/a
Reply claims construction briefing	9/30/2013 (by GeoTag)	<del>9/30/2013 (by both parties)</del>
Tutorial	<del>Week of 10/14, at the</del> 10/16/13 at 9:30 a.m.	<del>Week of 10/14, at the</del>

	Court's convenience	Court's convenience
<i>Markman</i> Hearing 10/29/13 at 2:30 p.m.	<del>Week of 10/28, at the Court's convenience</del>	<del>Week of 10/28, at the Court's convenience</del>
Further CMC 10/29/13 at 2:30 p.m.	<del><i>Markman</i> date, at the Court's convenience</del>	<del><i>Markman</i> date, at the Court's convenience</del>

**Protective Order**

**Zoosk's Position:**

In addition, to facilitate the discovery process ordered by the Court in the March 14, 2013 minute entry, Zoosk requests the Court to enter the proposed protective order submitted as Exhibit A to the Joint Case Management Statement (Dkt. No. 129-1). At the CMC, the Court directed GeoTag to identify the specific provisions Exhibit A that GeoTag objected to and to meet and confer with Zoosk on those objections. To date, GeoTag has not done so.

**GeoTag's Position:**

GeoTag is ready to meet and confer with Zoosk, regarding the protective order, at any time. GeoTag does not interpret the court's order, or discussion at the CMC, to have set a deadline of this filing for meeting and conferring regarding the protective order. GeoTag has not refused to meet and confer but has simply focused its efforts on attempting to reach agreement on the above schedule.

Dated: March 28, 2013

Respectfully submitted,

MOUNT, SPELLMAN & FINGERMAN, P.C.

/s/ Kevin Pasquinelli

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KL:apc

IT IS SO ORDERED that the Court sets schedule as per above interlined table. Parties to meet and confer and agree upon stipulated protective order within 10 days of the date of this order.

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EDWARD M. CHEN  
U.S. DISTRICT JUDGE

DATED: 4/2/13

