1	[SEE SIGNATURE	E PAGE FOR CO	UNSEL]	
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8		UNITE	D STATES DI	STRICT COURT
9		NORTHE	RN DISTRICT	Γ OF CALIFORNIA
10			SAN JOSE DI	IVISION
11				
12	GOOGLE INC., AG	OL LLC, YAHOO)! INC., IAC	Case No. C-08-03172-RMW
13	SEARCH & MEDI	,	· ·	AGREED SCHEDULE AND
14		Plaintiffs,		[PROPOSED] ORDER
15	v.			
16	L. DANIEL EGGER, SOFTWARE RIGHTS			
17	ARCHIVE, LLC, an INC.,	nd SITE TECHN	OLOGIES,	
18	Defendants.			
19				
20	AGREED SCHEDULE			
21	The Court hereby adopts the following agreed schedule for this case:			
22	Proposed Dates	Court Order		Event/Authority
• •				
23	November 14, 2008		[Civil	Management Conference 1 L.R. 16-10; Sep. 24, 2008 Case Management
23 24	November 14, 2008 December 19,		[Civil Confe Initial Disclo	1 L.R. 16-10; Sep. 24, 2008 Case Management erence Order] osure of Asserted Claims & Preliminary
	November 14, 2008		[Civil Confe Initial Disclo	1 L.R. 16-10; Sep. 24, 2008 Case Management erence Order]
24	November 14, 2008 December 19,		[Civil Confe Initial Disclo Infringement production [Pater	I L.R. 16-10; Sep. 24, 2008 Case Management erence Order] osure of Asserted Claims & Preliminary t Contentions & accompanying document nt L.R. 3-1 & 3-2 (10 days after Initial Case
24 25	November 14, 2008 December 19, 2008 December 19,		[Civil Confe Initial Disclo Infringement production [Pater Mana Initial Disclo	I L.R. 16-10; Sep. 24, 2008 Case Management erence Order] osure of Asserted Claims & Preliminary t Contentions & accompanying document nt L.R. 3-1 & 3-2 (10 days after Initial Case agement Conference)] osures
24 25 26	November 14, 2008 December 19, 2008		[Civil Confe Initial Disclo Infringement production [Pater Mana Initial Disclo [FRC	I L.R. 16-10; Sep. 24, 2008 Case Management erence Order] osure of Asserted Claims & Preliminary t Contentions & accompanying document nt L.R. 3-1 & 3-2 (10 days after Initial Case agement Conference)]
24 25 26 27	November 14, 2008 December 19, 2008 December 19, 2008	D [PROPOSED] ORDER	[Civil Confe Initial Disclo Infringement production [Pater Mana Initial Disclo [FRC Preliminary I	I L.R. 16-10; Sep. 24, 2008 Case Management erence Order] osure of Asserted Claims & Preliminary t Contentions & accompanying document nt L.R. 3-1 & 3-2 (10 days after Initial Case agement Conference)] osures P 26(a)(1)] Invalidity Contentions

Patent L.R. 3-1 Disclosure]] March 6, 2009 Document production pursuant to Patent L.R. 3-3 & 3 June 4, 2010 Parties to exchange Proposed Terms & Claim Elemet Construction Image: Patent L.R. 4-1(a) (ordinarily 10 days after P L.R. 3-3 Contentions)] July 2, 2010 Parties to exchange Preliminary Claim Constructions (Patent L.R. 4-2(a) (ordinarily 20 days after P L.R. 4-1 Disclosures)] August 6, 2010 Parties to file Joint Claim Construction for any experts wh submit declarations or testify regarding claim constru at the Claim Construction for any experts wh submit declarations or testify regarding claim constru at the Claim Construction Fre-Hearing (Patent L.R. 4-3 (ordinarily 60 days after Patent L.R. 3-3 Contentions)] August 20, 2010 Claim Construction Discovery Cut-Off (Patent L.R. 2-1] September 3, 2010 Claim Construction Discovery Cut-Off (Patent L.R. 4-3 (a) days after Patent L.R. 4-3 (statement)] September 24, 2010 Parties to file Opening Brief on Claim Construction (Patent L.R. 4-5(a) (45 days after Patent L.R. 4-3 (b) (c) (Responsive Brief 14 after Opening Brief, Reply Brief 7 days after Responsive Brief) October 29, 2010 Parties to file any response(s) in opposition to any motion(s) for summary judgment which are dependent on claim construction (Patent L.R. 4-5(b), (c) (Responsive Brief 14 after Opening Brief, Reply Brief 7 days after Responsive Brief)] Parties to file any reply brief(s) to any motion(s) for summary judgment which are dependent on claim construction	osed Dates C	Order Event/Authority
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[Patent L.R. 4-6 (14 days after Reply Brief)]	1 9:00 am	length of the hearing, will be contained in a separate orde
		Court conducts Claim Construction (<i>Markman</i>) Hearing [Patent L.R. 4-6 (14 days after Reply Brief)]
$^{-1}$ The parties may file any summary judgment motion(s) which are not dependent on claim	L	
^{1} The parties may file any summary judgment motion(s) which are not dependent on claim construction at any time.		
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AGREED SCHEDULE AND [PROPOSED] ORDER - Case No. C-08-03172-RMW sf-2616989

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1	Proposed Dates	Court Order	Event/Authority
2	Troposed Dates		In addition, any motion(s) for summary judgment which are
2			dependent on claim construction will be heard at this time as well
4	The Court w	vill conduct anothe	er case management conference to schedule the remainder of
5	the case after the Co	ourt issues a claim	construction ruling and its ruling(s) on any motion(s) for
6	summary judgment	that are heard on	December 15, 2010. In addition, while the parties are free
7	to participate in med	liation at any time	e, the topic of mediation will be discussed at the case
8	management confer	ence which will b	e conducted after the Court issues a claim construction
9	ruling and its ruling	(s) on any motion	(s) for summary judgment that are heard on December 15,
10	2010. The Court wi	ill require that me	diation occur shortly before the pre-trial conference that will
11	be scheduled at a lat	ter date.	
12	The agreed t	o discovery limit	ations set forth in paragraph 8 of Dkt. No. 41 will apply to
13	this case. On Dece	mber 2, 2008, the	chapter 11 bankruptcy case of Site Technologies, Inc. ("Site
14	Technologies") (Cas	se No. 99-50736 ((RLE)), was re-opened pursuant to an order of the United
15	States Bankruptcy C	Court for the North	hern District of California. Plaintiffs believe that the patents
16	in this case are asset	ts of Site Technol	ogies and that the automatic stay of Bankruptcy Code
17	section 362 therefor	e applies to this a	ction, and submit the proposed scheduling order with
18	Defendants subject to a determination of the applicability of the automatic stay.		
19			
20			
21			
22			
23			
24 25			
25 26			
26 27			
27 28			
20	Agreed Schedule and sf-2616989	D [PROPOSED] ORDER	- Case No. C-08-03172-RMW 3

1	Dated: December 15, 2008	Respectfully submitted,
2		By: /s/ Juanita R. Brooks
3		Juanita R. Brooks (SBN 75934, brooks@fr.com) Jason W. Wolff (SBN 215819,
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6		Telephone: (858) 678-5070 Facsimile: (858) 678-5099
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8 9		<i>vice)</i> FISH & RICHARDSON P.C. 5000 Bank One Center
10		1717 Main Street Dallas, TX 75201
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12		Email: walsh@fr.com
13		Jerry T. Yen (SBN 247988, yen@fr.com) FISH & RICHARDSON P.C.
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17		LLC
18		By: <u>/s/ Richard. S.J. Hung</u> Michael A. Jacobs (CA Bar No. 111664) Richard S.J. Hung (CA Bar No. 197425)
19 20		MORRISON & FOERSTER 425 Market Street
20		San Francisco, CA 94105 Telephone: 415-268-7000
		Facsimile: 415-268-7522 Email: mjacobs@mofo.com
22 23		Attorneys for Plaintiff YAHOO! INC.
23 24		
25		
26		
27		
28		
	AGREED SCHEDULE AND [PROPOSED] ORDER - Case No. sf-2616989	C-08-03172-RMW 4

1	By: <u>/s/</u> Jennifer A. Kash
2	Claude M. Stern (CA Bar No. 96737) Jennifer A. Kash (CA Bar No. 203679)
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7	Attorneys for Plaintiffs IAC SEARCH & MEDIA, INC. and LYCOS, INC.
8	
9	By: /s/ Jay D. Ellwanger
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	(pro hac vice) Smyser Kaplan & Veselka, L.L.P.
20	700 Louisiana St., Suite 2300, Houston, TX
21	77002 Telephone: (713) 221-2300
22	Facsimile: (713) 221-2320 Attorneys for Defendants L. DANIEL EGGER,
23	SOFTWARE RIGHTS ARCHIVE, LLC, and
24	SITE TECHNOLOGIES, INC.
25	
26	
27	
28	
	AGREED SCHEDULE AND [PROPOSED] ORDER - Case No. C-08-03172-RMW 5
	sf-2616989

1	DECLARATION OF CONSENT			
2	Pursuant to General Order No. 45 . Section $X(B)$ regarding signatures. Lattest under			
3	Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from counsel			
4	for Plaintiffs Google Inc., AOL LLC, IAC Search & Media, Inc. and Lycos, Inc. and Defendants			
5				
6	L. Daniel Egger, Software Rights Archive, LLC, and Site Technologies, Inc.			
7	Dated: December 15, 2008			
8	By:/s/ Richard_Hung			
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	AGREED SCHEDULE AND [PROPOSED] ORDER - Case No. C-08-03172-RMW sf-2616989	6		

1	[PROPOSED] ORDER
2	The Court hereby adopts the Agreed Schedule.
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5	Dated: December, 2008
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7	By: Honorable Ronald M. Whyte Judge of the United States District Court
8	Judge of the United States District Court
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	AGREED SCHEDULE AND [PROPOSED] ORDER - Case No. C-08-03172-RMW 7 sf-2616989