

1 [SEE SIGNATURE PAGE FOR COUNSEL]
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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

12 GOOGLE INC., AOL LLC, YAHOO! INC., IAC
 13 SEARCH & MEDIA, INC., and LYCOS, INC.,

14 Plaintiffs,

15 v.

16 L. DANIEL EGGER, SOFTWARE RIGHTS
 17 ARCHIVE, LLC, and SITE TECHNOLOGIES,
 18 INC.,

19 Defendants.

Case No. C-08-03172-RMW

**AGREED SCHEDULE AND
 [PROPOSED] ORDER**

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		Initial Case Management Conference [Civil L.R. 16-10; Sep. 24, 2008 Case Management Conference Order]
24 December 19, 2008		Initial Disclosure of Asserted Claims & Preliminary Infringement Contentions & accompanying document production [Patent L.R. 3-1 & 3-2 (10 days after Initial Case Management Conference)]
26 December 19, 2008		Initial Disclosures [FRCP 26(a)(1)]
27 February 13, 2009		Preliminary Invalidity Contentions

Proposed Dates	Court Order	Event/Authority
		[Patent L.R. 3-3 & 3-4 (ordinarily 45 days after Patent L.R. 3-1 Disclosure)]
March 6, 2009		Document production pursuant to Patent L.R. 3-3 & 3-4
June 4, 2010		Parties to exchange Proposed Terms & Claim Elements for Construction [Patent L.R. 4-1(a) (ordinarily 10 days after Patent L.R. 3-3 Contentions)]
July 2, 2010		Parties to exchange Preliminary Claim Constructions [Patent L.R. 4-2(a) (ordinarily 20 days after Patent L.R. 4-1 Disclosures)]
August 6, 2010		Parties to file Joint Claim Construction & Prehearing Statement; parties to exchange expert declarations or other disclosures on claim construction for any experts who will submit declarations or testify regarding claim construction at the Claim Construction Hearing. [Patent L.R. 4-3 (ordinarily 60 days after Patent L.R. 3-3 Contentions)]
August 20, 2010 at 2:00 pm		Claim Construction Pre-Hearing Conference [Patent L.R. 2-1]
September 3, 2010		Claim Construction Discovery Cut-Off [Patent L.R. 4-4 (30 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 Statement)] Parties to file any motion(s) for summary judgment which are dependent on claim construction ¹
October 29, 2010		Parties to file Responsive Brief on Claim Construction [Patent L.R. 4-5(b), (c) (Responsive Brief 14 days after Opening Brief, Reply Brief 7 days after Responsive Brief)] Parties to file any response(s) in opposition to any motion(s) for summary judgment which are dependent on claim construction
November 19, 2010		Parties to file Reply Brief on Claim Construction Parties to file any reply brief(s) to any motion(s) for summary judgment which are dependent on claim construction
December 15, 2010 at 9:00 am		Live technical tutorial to the Court. (The specifics of how the live technical tutorial will be conducted, including the length of the hearing, will be contained in a separate order) 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 construction at any time.

Proposed Dates	Court Order	Event/Authority
		In addition, any motion(s) for summary judgment which are dependent on claim construction will be heard at this time as well

The Court will conduct another case management conference to schedule the remainder of the case after the Court issues a claim construction ruling and its ruling(s) on any motion(s) for summary judgment that are heard on December 15, 2010. In addition, while the parties are free to participate in mediation at any time, the topic of mediation will be discussed at the case management conference which will be conducted after the Court issues a claim construction ruling and its ruling(s) on any motion(s) for summary judgment that are heard on December 15, 2010. The Court will require that mediation occur shortly before the pre-trial conference that will be scheduled at a later date.

The agreed to discovery limitations set forth in paragraph 8 of Dkt. No. 41 will apply to this case. On December 2, 2008, the chapter 11 bankruptcy case of Site Technologies, Inc. ("Site Technologies") (Case No. 99-50736 (RLE)), was re-opened pursuant to an order of the United States Bankruptcy Court for the Northern District of California. Plaintiffs believe that the patents in this case are assets of Site Technologies and that the automatic stay of Bankruptcy Code section 362 therefore applies to this action, and submit the proposed scheduling order with Defendants subject to a determination of the applicability of the automatic stay.

1 Dated: December 15, 2008

Respectfully submitted,

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SOFTWARE RIGHTS ARCHIVE, LLC, and
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1 **DECLARATION OF CONSENT**

2 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under
3 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 L. Daniel Egger, Software Rights Archive, LLC, and Site Technologies, Inc.
6

7 Dated: December 15, 2008

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9 By: /s/ Richard Hung

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[PROPOSED] ORDER

The Court hereby adopts the Agreed Schedule.

Dated: December ____, 2008

By: _____
Honorable Ronald M. Whyte
Judge of the United States District Court