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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Mformation Techs., Inc.,  
Plaintiff,  
v.  
Research in Motion Ltd., et al.,  
Defendants.

NO. C 08-04990 JW

**ORDER REQUIRING JOINT  
PRODUCTION OF PRETRIAL  
MATERIALS**

This case is scheduled for a Final Pretrial Conference on June 11, 2012, with jury selection set to take place on June 14, 2012. In order to prepare for the upcoming trial, the Court ORDERS the following:

- (1) On or before **June 11, 2012**, the parties shall meet and confer and produce a joint timeline<sup>1</sup> showing the undisputed facts in this case.
- (2) On or before **June 11, 2012**, the parties shall meet and confer and produce a joint chart showing the remaining claims and defenses to be tried. The entries on the chart shall each include citations to the docket. Below is an example of the type of chart required:

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<sup>1</sup> The timeline shall depict the chronology along a horizontal axis.

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<b>Patent Claim/Elements</b>	<b>Stipulated Construction/ Court Construction</b>	<b>Accused Product<sup>2</sup> as to Each Defendant<sup>3</sup></b>	<b>Damages<sup>4</sup></b>	<b>Defense Asserted<sup>5</sup></b>	<b>Factual Basis for Defense<sup>6</sup></b>
'000 Patent, Claim 1					
an apparatus comprising	apparatus means: "a device which. . ."	Riverside Model 2			
1. a handle	"handle" means a part held by the human hand	Riverside Model 2		the product lacks a handle	

In addition, upon review of the pleadings, it appears that Defendants have asserted counterclaims that have never been subject to any motion practice. Insofar as the parties believe that any counterclaims remain to be tried, the parties shall indicate such counterclaims. Otherwise, Defendants shall confirm that no counterclaims remain to be tried.

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<sup>2</sup> As to each essential limitation of the claims remaining for trial, Plaintiff shall identify the component of the accused product that allegedly infringes each limitation. Further, as to each limitation and each component, Plaintiff shall identify whether the alleged infringement is direct or indirect, and if indirect, whether it is inducing or contributing.

<sup>3</sup> As to each Defendant, Plaintiff shall identify whether it alleges that the Defendant willfully infringed.

<sup>4</sup> Plaintiff shall indicate, as to each Defendant, whether the damages alleged are based on reasonable royalties, lost profits, or both.


<sup>5</sup> Defendants shall identify each ground upon which they contend that the patent is invalid. Insofar as Defendants contend that the patent is invalid on the basis of anticipation, Defendants shall identify each prior art reference pertinent to that claim. Further, insofar as Defendants contend that the patent is invalid on the basis of obviousness, Defendants shall identify each reference pertinent to that claim.

<sup>6</sup> As to any allegation that the accused product does not infringe an essential limitation of the claim, Defendants shall identify the limitation and summarize why they contend that the accused product does not infringe.

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The parties shall lodge the original and bring five (5) copies of the requested materials to the June 11 Conference.

Dated: June 6, 2012

  
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JAMES WARE  
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: June 6, 2012**

**Richard W. Wieking, Clerk**

By:           /s/ JW Chambers            
**William Noble**  
**Courtroom Deputy**