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Attorneys for Defendant
 LinkedIn Corporation

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

21 EIT HOLDINGS LLC, a Delaware company
 22 Plaintiff,
 23 vs.
 24 LINKEDIN CORPORATION., a Delaware
 25 Corporation,
 26 Defendant.

CASE NO. 5:11-CV-02465-PSG
**SUPPLEMENTAL JOINT CASE
 MANAGEMENT STATEMENT**
DEMAND FOR JURY TRIAL

27 Pursuant to the Court’s Order of November 1, 2011 (Doc. 29), Plaintiff EIT Holdings,
 28 LLC (“EIT”) and Defendant LinkedIn Corporation (“LinkedIn”) submit this Supplemental Joint
 Case Management Report.

1 EIT has been following the local rules and proposes a schedule that continues to follow
2 the local rules, which includes the filing of the joint claim construction statement concurrent
3 with this report. LinkedIn has declined to confer or otherwise participate in that joint statement.

4 Defendants' Position

5 Defendant does not believe that the Court set a schedule that would require the filing of a
6 joint claim construction statement today. At the initial case management conference, the Court
7 merely set a further status conference and ordered that “[d]eadlines prior to November 1st to
8 remain in effect.” ECF No. 23. At that status conference, the parties updated the Court on the
9 events in the Yelp case, and the Court set a further status conference without any indication that
10 there were any deadlines that the parties needed to meet. ECF No. 29. Defendant therefore
11 believes it to be premature to file a joint claim construction statement and would request that the
12 Court set an appropriate date for filing that statement at the case management conference.

13 Defendant also believes that the schedule proposed by EIT is impractical. EIT proposes
14 the filing of a joint claim construction statement today but the parties have yet to meet and
15 confer on what terms should be presented to the Court or on whether they can reach agreement
16 on the meaning of such proposed terms. Moreover, in deciding what is an appropriate schedule,
17 LinkedIn believes that the process contemplated by the local rules is better served by providing
18 the parties time to consider the results of the hearing on Yelp’s motion for summary judgment to
19 be held on January 19, 2012. In particular, the construction of several terms proposed by EIT for
20 construction in this case—including the phrases “reference” and “means for accessing”—have
21 been raised by EIT in the summary judgment proceedings pending before Judge Alsup, and
22 Judge Alsup’s ruling is likely to have a direct impact on what (if any) construction is appropriate
23 for these terms. It also true that claim construction in this case will prove necessary only if
24 Judge Alsup’s ruling does not invalidate the asserted claims. In that event, which Defendant
25 believes to be unlikely, the court’s order may shed light on further terms that need construction
26 to resolve this case. It therefore makes little sense to finalize the claim terms and constructions
27 that would have to be litigated in this case before the parties have an opportunity to review Judge
28 Alsup’s order on summary judgment.

The parties propose the following schedules:

Event	EIT	LinkedIn
File Joint Claim Construction Statement (Patent L.R. 4-3) – limited to 10 terms unless leave of court granted	January 3, 2012	April 3, 2012
Completion of Claim Construction Discovery (Patent L.R. 4-4)	February 2, 2012	May 7, 2012
Last Day for Plaintiff’s Opening Claim Construction Brief (Patent L.R. 4-5(a))	February 17, 2012	May 21, 2012
Last Day for Defendant’s Opposing Claim Construction Brief, (Patent L.R. 4-5(b))	March 2, 2012	June 4, 2012
Last Day for Plaintiff’s Reply Claim Construction Brief (Patent L.R. 4-5(c))	March 9, 2012	June 11, 2012
Tutorial	Subject to Court's calendar	Subject to Court’s calendar
Claim Construction Hearing	Subject to Court’s calendar	Subject to Court’s calendar
Further Joint Case Management Report and Conference	Within 30 days of claim construction ruling	Within 30 days of claim construction ruling
Advice of Counsel Disclosure	50 days after claim construction ruling	50 days after claim construction ruling
Close of Fact Discovery	TBD	
Deadline for Rule 26(a)2(B) expert designations for party bearing the burden of proof	TBD	
Close of all Expert Discovery	TBD	
Deadline for filing dispositive motions	TBD	
Deadline for oppositions to dispositive motions	TBD	
Deadline for replies in support of dispositive motions	TBD	
The parties propose that the hearings on dispositive motions be held before this date	TBD	

Event	EIT	LinkedIn
Deadline for filing motions in limine; and papers in support thereof	TBD	
The parties shall file a joint statement of the case, a joint exhibit list, a joint witness list, proposed jury instructions and a proposed verdict form;	TBD	
The parties will lodge the Final Pre-Trial Conference Order;	TBD	
Trial	TBD	

Dated: January 3, 2012

Respectfully submitted,

Counsel for EIT Holdings, LLC

Counsel for LinkedIn Corporation

By: /s/ Edward W. Goldstein

By: s/ Ryan Kent

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1 **Attestation of Concurrence**

2 I, Edward W. Goldstein, as the ECF user and filer of this document, attest that
3 concurrence in the filing of this document has been obtained from each of the above signatories.
4

5 Dated: January 3, 2012

By: /s/ Edward W. Goldstein
6 **Counsel for EIT Holdings, LLC**

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on January 3, 2012, or, if not yet registered with the Court's CM/ECF system, via electronic mail pursuant to Fed.R.Civ.P. 5(b)(2)(E). Any other counsel of record will be served by first class U.S. Mail.

/s/ Edward W. Goldstein
Edward W. Goldstein