

1 hearing.

2 Now, in that context, if this
3 starts to become what you think it might, I'm
4 not going to be reluctant, and I know that
5 Mr. Caponi will remind me of this by presenting
6 this transcript, to give you an extension.

7 MS. KEEFE: Would^d Your Honor also
8 be amenable, if it turns out to be one of those
9 cases that looks like it will grow crazily, to
10 possibly appointing a special master? I don't
11 want one now. I'm just asking if that might be
12 something that you'd be amenable to.

13 THE COURT: Sure, but first I want
14 to get it to the status of a stimulus
15 contributor, which we'll see how that goes. But
16 on application, I will appoint a special master.

17 Now, having said that, one thing
18 that is a little bit of a concern, as it is in
19 all of these cases -- I don't know if Mr. Andre
20 was at that seminar or Mr. Rovner was -- some
21 judges think you don't have the right to tell
22 folks that I'm not going to allow you to assert
23 all thirty-five claims for claim construction
24 purposes. They think you're entitled to that.

Hawkins Reporting Service
715 North King Street - Wilmington, Delaware 19801
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1 I take the view, and I think this
2 district does, that we can limit the claims to
3 representative claims in order to get the case
4 moving and to get it to a claim construction
5 hearing.

6 I'm not going to ask you to limit
7 those claims now, but if that becomes part of
8 the issue, I think you ought to be thinking
9 about the need to get us to a representative set
10 of claims that will allow us to get the case
11 efficiently through discovery. But at this
12 point, we have thirty-five claims, and we'll see
13 how it goes.

14 So what is the time for discovery
15 in this case? Do you know when this case was
16 filed.

17 MS. KEEFE: End of November, Your
18 Honor.

19 THE COURT: November 19th. And
20 I'm going to say that you're going get down here
21 and discuss getting your fact discovery
22 completed sometime between the end of June and
23 the end of July of '09, contemplating getting
24 your claim construction experts lined up in