

PUM's Proposed Pretrial Order Schedule in PUM/Google 09-525-LPS

Date	Event
Fri Jan 31	<p>Google provides its sections of the pretrial order on which it bears the burden of proof, comments to the Joint Pretrial Order and rebuttal to the sections of the pretrial order that PUM provided on January 20, 2014.</p> <p>Google provides its list of its total of 10 references and no more than 15 obviousness combinations of no more than six references each, as ordered by the Court during the teleconference of January 27, 2014¹</p>
Mon Feb 3	Google provides deposition designations and trial exhibit list ²
Wed Feb 5	Google provides counter-designations and objections to PUM's deposition designations ³
Mon Feb 10	Parties exchange opening motions in limine, and PUM provides its revised exhibit list
Fri Feb 14	PUM provides deposition counter-designations, ⁴ objections to Google's deposition designations, and rebuttal to Google's sections of the Pretrial Order

¹ PUM needs to review Google's portions of the pretrial order, including Google's exhibit list, before it can provide a meaningful reduction in its exhibit list.

² PUM proposes that Google provide no later than February 3, if not by January 30 or 31, the deposition designations and exhibits on which it will rely to make its case pursuant to the Court's instruction in the January 27 teleconference that Google should provide PUM as soon as possible with those parts of the case on which Google bears that burden of proof. PUM already compromised with Google and proposed February 3 for these exchanges, instead of PUM's original proposal of January 30.

³ Google should not need more time than the February 5 deadline to provide its counter-designations and objections, which was the deadline under even its interpretation of the local rules.

⁴ PUM cannot provide counter-designations one week after receiving Google's designations, and 5 days is sufficient for Google to provide its objections to PUM's counter-designations.

Date	Event
	PUM notifies Google of its reduction of accused products and/or claims, if any ⁵ Parties exchange motion in limine oppositions
Tues Feb 18	Parties serve motion in limine replies and exchange final objections to trial exhibits
Wed Feb 19	File Final PTO
Wed Feb 26	Pretrial conference (2 pm ET)
March 3	Parties provide notice of any claims, products, combinations, or other issues they will not pursue at trial

⁵ Google's attempt to impose arbitrary limits on the number of accused products and asserted claims should be rejected. PUM is committed to working toward further narrowing its case, but Google's arbitrary date and limits are improper and should be rejected.

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Fri Jan 31	Google provides its list of its total of 10 references and no more than 15 obviousness combinations of no more than six references each PUM provides a reduced list of no more than 500 trial exhibits <u>and</u> copies of the exhibits ¹ Google provides the narrative sections of the pretrial order on which it bears the burden of proof, as well as its rebuttal to the narrative portions of the Joint Pretrial Order that PUM provided on January 20, 2014 and comments to Joint Pretrial Order
Wed Feb 5	Google provides its deposition designations and trial exhibit list ²
Mon Feb 10	Google provides counterdesignations and objections to PUM's deposition designations ³
Mon Feb 10	Parties exchange opening motions in limine

¹ Google proposes that PUM provide a reduced trial exhibit list, and copies of the exhibits, by January 31. PUM proposes that it not do so until February 10, which is the same date on which the parties will serve motions in limine. Google needs PUM's actual exhibit list before that deadline because it wishes to consider that information in connection with finalizing the issues on which it will move in limine. PUM's contention that it needs Google's exhibit list before it can reduce the number of exhibits on its exhibit list is false. Most of the exhibits currently included on PUM's 1500+ exhibit list relate to its infringement case and therefore Google's disclosures regarding the claims on which it bears the burden of proof have no bearing.

² Google proposes February 5 for this deadline, as that is the deadline set forth in the Local Rules and therefore the deadline Google was working to comply with.

³ Google proposes that it provide objections and counter-designations to PUM's deposition designations by February 10. PUM designated testimony from the depositions of 24 different witnesses. Google needs time to review and prepare objections and counter-designations thereto. Google notes that it seems highly unlikely that PUM will present all of the designated testimony at trial. PUM's claim that February 5 is the deadline for Google to provide these objections and counter-designations is incorrect. The Local Rules do not provide a deadline for either party to provide objections and counter-designations to the opposing party's deposition designations.

	Google objects to PUM's exhibits ⁴
Wed Feb 12	PUM provides deposition counter-designations and objections to Google's deposition designations ⁵
Thurs Feb 13	PUM reduces the number of asserted claims and/or accused products to no more than 6 claims total, and no more than four accused features in accused products (i.e. features that require separate infringement analysis count as a separate feature.) ⁶
Fri Feb 14	Parties exchange motion in limine oppositions PUM objects to Google's exhibits PUM provides its rebuttal to Google's sections of the Pretrial Order
Tues Feb 18	Parties serve motion in limine replies
Tues Feb 18	Parties provide objections to the opposing parties' counter-deposition designations
Tues Feb 18	Google serves any revisions to its portions of the pretrial order necessary to respond to PUM's defenses to Google's counterclaims. This will be limited to revisions to the narrative portions, and not the exhibit list or deposition designations
Wed Feb 19	File Final PTO
Wed Feb 26	Pretrial conference (2 pm ET)
Mon, March 3	PUM to provide any further narrowing of asserted patents or accused products.

⁴ Google proposes that it serve objections to PUM's trial exhibits by February 10, and that PUM serve objections to Google's trial exhibits by February 14. This allows for time for the parties to attempt to meet and confer over any objections prior to filing the Joint Pretrial Order on February 19.

⁵ Google proposes that PUM provide deposition counter-designations and objections to Google's deposition designations on February 12. This allows time for Google to object to PUM's counter-designations.

⁶ Pursuant to the Court's guidance during the January 27 teleconference, Google requests that PUM reduce the number of asserted claims and/or accused products to no more than 6 claims total, and no more than 4 accused features in accused products (i.e. features that require separate infringement analysis count as a separate feature) by February 13. This is two weeks after Google will have reduced its invalidity case.