

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PERSONALIZED USER MODEL, L.L.P.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 09-525 (LPS)
)	
GOOGLE, INC.,)	
)	
Defendant.)	

STIPULATED AMENDED SCHEDULING ORDER

WHEREAS, during a telephonic hearing held on September 8, 2010, the Court ordered the parties to discuss an amended schedule;

WHEREAS, pursuant to the Court’s direction, the parties have discussed the timing of claim construction and discovery;

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that Paragraphs 4(d), 4(f), 4(g), 6, and 7 the Court’s April 12, 2010 Scheduling Order (D.I. 32), as previously amended, be further amended as follows:

4. **Discovery.**

(d) Google shall serve supplemental invalidity contentions on or before **September 29, 2010**.

(f) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the party with the burden of proof on the issue the expert is offered **thirty (30)** days after the issuance of the Court’s Markman decision. Rebuttal reports are due **thirty (30)** days from the date opening reports are due.

(g) Any party desiring to depose an expert witness shall notice and complete said deposition no later than **thirty (30)** days from the date rebuttal reports are due, unless otherwise agreed in writing by the parties or ordered by the Court.

6. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed within **thirty (30)** days of the close of expert discovery. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

7. **Markman.** A Markman hearing will be held on January ____, 2011. P.U.M. shall identify 15 asserted claims no later than **October 11, 2010**. The parties shall identify and exchange their contentions for these 12 terms no later than **October 18, 2010**. Opening claim construction briefs must be filed by **November 12, 2010**. Answering claim construction briefs must be filed by **December 10, 2010**. The parties will conduct an in-person and/or DVD technical tutorial in conjunction with the Markman hearing. The Court, after reviewing the briefing, will allocate time to the parties for the hearing. The parties shall exchange materials (including exhibits, DVDs and demonstratives) to be used during the Markman hearing/tutorial no later than 48 hours prior to the hearing/tutorial.

10. A Pretrial Conference will be held on _____ in Courtroom No. 6C, United States Courthouse, Boggs Federal Building, Wilmington, Delaware. A ____-day jury trial will commence on _____.

All remaining dates in the Scheduling Order shall remain unchanged.

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September 15, 2010

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SO ORDERED this _____ day of _____, 2010.

UNITED STATES DISTRICT JUDGE