

ASHBY & GEDDES

ATTORNEYS AND COUNSELLORS AT LAW
500 DELAWARE AVENUE
P. O. BOX 1150
WILMINGTON, DELAWARE 19899

TELEPHONE
302-654-1888
FACSIMILE
302-654-2067

April 23, 2010

The Honorable Mary Pat Thyng
United States District Court
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Xerox Corp. v. Google Inc. et al.*,
C.A. No. 10-136-JJF-MPT

Dear Judge Thyng:

In advance of the teleconference with the Court scheduled for Monday, April 26, 2010 at 11:00 a.m. EDT, and pursuant to the Court's Order, dated April 16, 2010, enclosed is a proposed scheduling order in the above matter. Where the parties have not come to an agreement on specific provisions, we have set forth the competing proposals in bracketed, bold type. To aid in review of the proposed order, we are also enclosing a side-by-side comparison of the parties' proposals.

The principal area of disagreement concerns the timing of the claim construction hearing. Plaintiff proposes a combined claim construction and summary judgment hearing in March 2012, after all discovery has been completed. Defendants propose an early claim construction hearing in April 2011.

Respectfully,

/s/ John G. Day

John G. Day

JGD: nml

Enclosures

cc: Counsel of Record (via electronic mail; w/enclosures)