

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SELEX COMMUNICATIONS, INC.)	Civil Action No.: 1:07-cv-00813-
)	TWT
a Delaware Corporation)	
)	
Plaintiff,)	
)	
v.)	JOINT PROPOSED
)	SCHEDULING ORDER
JAJAH, INC.)	
)	
Defendant.)	
)	

JOINT PROPOSED SCHEDULING ORDER

The parties jointly file this proposed scheduling order. During the August 10, 2007 scheduling conference, the parties requested a slight modification to the deadlines as under the patent local rules due, in part, to the December and January holidays. The Court requested Mr. Yoon prepare a consent order incorporating the dates discussed and agreed to by the parties for submission to the Court for signature. Subsequent to the scheduling conference, the parties have agreed to a slight modification of the deadlines for the infringement and invalidity contentions. The proposed changes do not impact the close of

fact discovery. The parties respectfully request entry of this proposed scheduling order.

<u>Event</u>	<u>Local Rule</u>	<u>Due Date</u>
Selex's infringement contentions	LPR 4.1: within 30 days after filing of joint preliminary report	New Date: Sept. 4, 2007 Under LPR: Aug. 20, 2007
Jajah's invalidity contentions and response to infringement contentions	LPR 4.2, 4.3: within 30 days after plaintiff's disclosure of infringement contentions	New Date: Oct 4, 2007 Under LPR: Sept. 19, 2007
Exchange of proposed claim terms	LPR 6.1: not later than 90 days after filing of joint preliminary report	New Date: Oct. 29, 2007 Under LPR: Oct. 18, 2007
Exchange of preliminary constructions	LPR 6.2: not later than 20 days after the exchange of proposed claim terms	New Date: Nov. 16, 2007 Under LPR: Nov. 7, 2007
Joint claim construction statement	LPR 6.3: not later than 130 days after filing of joint preliminary report	New Date: Dec. 7, 2007 Under LPR: Nov. 27, 2007
Completion of claim construction discovery	LPR 6.4: No later than 15 days after service and filing of joint claim construction statement	New Date: Dec. 21, 2007 Under LPR: Dec. 12, 2007
Opening claim construction briefs	LPR 6.5: not later than 30 days after serving and	New Date: Jan. 7, 2008

	filing joint claim construction statement	Under LPR: Dec. 27, 2007
Responsive claim construction briefs	LPR 6.5: not later than 20 days after service of opening claim construction brief	New Date: Jan. 28, 2008 Under LPR: Jan. 16, 2008
<i>Markman</i> hearing		See below [FEB 22, 2008 proposed]
Discovery of the substance of opinions of counsel tendered in defense to a charge of willful infringement	earlier of (1) 5 days after a ruling on summary judgment indicating triable issues of fact to which willfulness would be relevant; or (2) 30 days prior to close of fact discovery	Feb 15, 2008
Close of fact discovery		March 17, 2008

Subject to the Court's calendar and as raised at the August 10, 2007 scheduling conference, the parties propose a date on or about February 22, 2008¹ for the *Markman* Hearing.

Also, as raised at the scheduling conference, the parties requested clarification concerning the August 20, 2007 deadline to amend pleadings as listed in the Court's July 24, 2007 scheduling order. Discovery has just commenced and the parties were not required to provide discovery prior to August 20. Therefore, the Court clarified that a party may make a motion to amend the pleadings for good cause after August 20, particularly those that need a Federal Rule of Civil Procedure 9 basis for pleading and which basis may be determined during discovery.

¹ At the 8/10/07 scheduling conference, the parties requested February 15 but have subsequently agreed that February 22 is the new proposed date for the *Markman* Hearing.

Dated: August 22, 2007

By: /s/Christopher M. Arena
Christopher M. Arena
Georgia Bar No. 887755
Woodcock Washburn LLP
2002 Summit Blvd., Suite 800
Atlanta, GA 30319-6400
(404) 459-5644
(404) 459-4217 (fax)

Counsel for Plaintiff,
Selex Communications, Inc.

By: /s/ Benjamin F. Easterlin IV
Benjamin F. Easterlin IV
Georgia Bar No. 237650
1180 Peachtree Street N.E.
Atlanta, Georgia 30309-3521
(404) 572 - 2430
(404) 572 - 5140

Counsel for Defendant, JAJAH, Inc.

APPROVED AND SO ORDERED:
BY THE COURT:

U.S.D.C.J.

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2007, I electronically filed the foregoing **JOINT PROPOSED SCHEDULING ORDER** with the Clerk of Court using the CM/ECF system. In addition, a copy was served by electronic copy and electronic mail on Counsel for Defendant, Jajah, Inc., as follows:

Jessica E. Neyman, Esquire
King & Spalding, LLP-Atlanta
1180 Peachtree Street, NE
Atlanta, GA 30309-3521
(404) 572-2430
(404) 572-5140 (fax)
jneyman@kslaw.com

and

Seungtaik Michael Song, Esquire
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Two Palo Alto Square
Palo Alto, CA 94304
(650) 493-9300
(650) 493-6811 (fax)
MSong@wsgr.com

/s/ Christopher M. Arena
Christopher M. Arena
Georgia Bar No: 887755
Woodcock Washburn LLP
Counsel for Plaintiff, Selex
Communications, Inc.