

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

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

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

	<b>filing joint claim construction statement</b>	<b>Under LPR: Dec. 27, 2007</b>
<b>Responsive claim construction briefs</b>	<b>LPR 6.5: not later than 20 days after service of opening claim construction brief</b>	<b>New Date: Jan. 28, 2008</b> <b>Under LPR: Jan. 16, 2008</b>
<i>Markman</i> hearing		<b>See below [FEB 22, 2008 proposed]</b>
<b>Discovery of the substance of opinions of counsel tendered in defense to a charge of willful infringement</b>	<b>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</b>	<b>Feb 15, 2008</b>
<b>Close of fact discovery</b>		<b>March 17, 2008</b>

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, 2008<sup>1</sup> 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.

---

<sup>1</sup> 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:

August 23, 2007

/s/Thomas W. Thrash

---

**U.S.D.C.J.**