## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

# SKYLINE SOFTWARE SYSTEMS, INC.,

Plaintiff,

CIVIL ACTION NO. 06-10980 DPW

v.

KEYHOLE, INC., and GOOGLE INC.

Defendants.

# JOINT PROPOSED AGENDA FOR HEARING ON FEB. 23, 2007

Plaintiff Skyline Software Systems, Inc. ("Skyline") and Defendants Keyhole, Inc. and

Google, Inc. ("Google"), pursuant to the Court's request, submit the following Joint Proposed

Agenda for the oral argument on pending motions for summary judgment set to be heard on

February 23, 2007 at 9:00 a.m.

### I. Infringement

- A. Defendants Keyhole, Inc.'s and Google Inc.'s Motion for Summary Judgment of Noninfringement (Docket No. 9, filed Jan. 19, 2007)
  - 1. Google Earth Client
    - a. All Asserted Claims
    - b. Claims 3 and 14 (download order)
    - c. Claims 7-9, 18-19, and 22-24 (excess blocks)
  - 2. Google Earth Fusion, Google Earth Server, Geo Coder Server

- B. Plaintiff Skyline Software Systems, Inc.'s Motion for Summary Judgment of Infringement (Docket No. 30, filed Jan. 19, 2007)<sup>1</sup>
  - 1. Direct Infringement
    - a. Claims 1 and 12
  - 2. Contributory Infringement/Inducement

### II. Invalidity

- A. Plaintiff Skyline Software Systems, Inc.'s Motion for Summary Judgment of Validity (Docket No. 11, filed Jan. 19, 2007)
  - 1. TerraVision
  - 2. T\_Vision
  - 3. Migdal/Cosman
- B. Defendants Keyhole, Inc.'s and Google Inc.'s Motion for Summary Judgment of Anticipation Based on the Public Use of TerraVision (Docket No. 45, filed Jan. 19, 2007)
  - 1. Claims 1, 3, 12 and 14
  - 2. Claims 7, 18 (excess blocks)
  - 3. Claims 8, 22 (Internet)

Further, the parties intend to use visual aids, including Powerpoint presentations, and

may also show audio-visual materials that were submitted as evidence.

Dated: February 21, 2007

Respectfully submitted,

By: /s/Darryl M. Woo\_\_\_\_\_

Darryl M. Woo, admitted *pro hac vice* Michael J. Sacksteder, admitted *pro hac vice* Heather N. Mewes, admitted *pro hac vice* Carolyn Chang, admitted *pro hac vice* Saundra L. M. Riley, admitted *pro hac vice* **FENWICK & WEST LLP** 

<sup>&</sup>lt;sup>1</sup> Docket No. 15 is Skyline's Assented-to Motion for Leave to Exceed Page Limitation, and is not a Motion for Summary Judgment of Infringement as indicated on the docket. No argument is necessary on this motion.

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### **Certificate of Service**

I hereby certify that, on February 21, 2007, I caused a true and accurate copy of the foregoing document to be served upon all counsel of record for each party by complying with this Court's Administrative Procedures for Electronic Case Filing.

By: <u>/s/ Darryl M. Woo</u> Darryl M. Woo