

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:05CV493, 3:05CV494, 3:05CV495, 3:05CV496,
3:05CV498, 3:05CV506, 3:05CV509, 3:05CV510

BARRY W. THOMAS,)
Plaintiff,)

v.)

MOTOROLA, INC.,)
Defendant.)

ORDER

BARRY W. THOMAS,)
Plaintiff,)

v.)

ECHOSTAR SATELLITE L.L.C. et al,)
Defendants.)

BARRY W. THOMAS,)
Plaintiff,)

v.)

CINGULAR WIRELESS LLC et al,)
Defendants.)

BARRY W. THOMAS,)
Plaintiff,)

v.)

DIRECTV, INC. et al,)
Defendants.)

BARRY W. THOMAS,)
Plaintiff,)

v.)

NOKIA, INC. et al,)
Defendants.)

_____)

BARRY W. THOMAS,)
Plaintiff,)
v.)
ALLTEL COMMUNICATIONS, INC. et)
al,)
Defendants.)
)
)
BARRY W. THOMAS,)
Plaintiff,)
v.)
ITRON, INC. et al,)
Defendants.)
)
)
BARRY W. THOMAS,)
Plaintiff,)
v.)
)
SAMSUNG ELECTRONICS AMERICA,)
INC. et al,)
Defendants.)

On September 12, 2006, a status conference was held before this Court in the above-captioned cases. Present at the hearing were counsel for Plaintiff Barry Thomas and counsel for each of the remaining defendants. The parties discussed with the Court, *inter alia*, the following issues: a proposed scheduling order in these case regarding the issue of claim construction, Defendant DIRECTTV INC.'s motion for summary judgment under the doctrine of laches, and the status of case number 3:05cv506 (Thomas v. Alltell et al). The Court took the latter issue under advisement.

The resolution of those issues is as follows:

1. As to the issue of Defendant DIRECTTV's motion for summary judgment under the doctrine of laches (Doc. No. 36), Plaintiff Thomas will have **fourteen (14) days** from the date of the filing of the defendant's motion to file his response. Any reply by DIRECTTV

will be due **seven (7) days** from the date Plaintiff Thomas's response is filed with the Court.

2. Pursuant to the agreement of the parties, the briefing schedule for the issue of claim construction is as follows.

i All claim construction responses by Plaintiff Thomas and Defendants Motorola, Inc., and Echostar Satellite, L.L.C./Echostar Technologies Corporation are due on **September 29, 2006**.

ii. Claim construction briefs from the plaintiff and the remaining defendants in case numbers 3:05CV495 (Thomas v. Cingular Wireless LLC et al); 3:05CV498 (Thomas v. Nokia, Inc. et al); 3:05CV509 (Thomas v. Itron, Inc. et al); and 3:05CV510 (Thomas v. Samsung Electronics America, Inc. et al) **are due on October 23, 2006**. Defendant DIRECTTV's brief is due on **November 1, 2006**.

iii. Any response by Plaintiff Thomas and the remaining defendants to those briefs are due on **November 10, 2006**.

iv. A claim construction hearing will be held by this Court on **November 17, 2006, at 9:30 am**.

v. All other discovery in these cases is hereby **stayed** pending resolution of the issue of claim construction.

3. All Activity in case number 3:05cv506, Thomas v. Alltel Communications, Inc. et al, is **stayed** until further

notice.

IT IS SO ORDERED.

Signed: September 14, 2006

Handwritten signature of Robert J. Conrad, Jr. in cursive script, written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

