

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**LSP TECHNOLOGIES, INC.,**

**Plaintiff/Counterclaim-Defendant,**

**Case No. C2-08-038**

**Consolidated Case No. C2-08-039**

**v.**

**Judge Sargus**

**Magistrate Judge Kemp**

**CONTINUUM ELECTRO-OPTICS,  
INC. D/B/A CONTINUUM,**

**Defendant-Counterclaimant**

**SCHEDULING ORDER**

It is ordered as follows:

That this action is placed under the Local Patent Rules of this Court for the remainder of pretrial proceedings, to the extent set forth herein; and

That counsel shall confer with their clients prior to all scheduling, status or pretrial conferences to obtain authority to participate in settlement negotiations which may be conducted or ordered by the Court.

It is further ordered, that, in view of the stage of these proceedings, compliance with the provisions of Local Rule 16 and the Local Patent Rules shall be completed as follows:

1. The Court shall conduct a hearing on the issue of claim construction on July 19, 2010, or as soon thereafter as the Court can schedule;

2. The parties shall complete fact discovery by 45 days after the Court's ruling on claim construction, and all interrogatories, depositions, requests for admissions, and requests for

production shall be served within sufficient time to allow responses to be completed prior to that date;

3. Each party shall make its initial expert witness disclosures, as required under Rule 26, on the issues on which each bears the burden of proof by 60 days after the Court's ruling on claim construction issues [Pat. L.R. 106.1(a)];

4. Each party shall make its initial expert witness disclosures, as required under Rule 26, on the issues on which the opposing party bears the burden of proof by 30 days after the first round of expert disclosures [Pat. L.R. 106.1(b)];

5. Rebuttal expert witness disclosures are to be made by 14 calendar days after the second round of expert disclosures [Pat. L.R. 106.1(c)];

6. Expert depositions, if any, shall commence within 14 calendar days, and shall be completed within 60 days, after rebuttal reports are served [Pat. L.R. 106.2];

7. Motions for summary judgment with evidentiary material and accompanying briefs, if appropriate, shall be filed no later than two hundred (200) days after the Court's ruling on claim construction issues, with responses to such motions filed within thirty (30) days after such motions are filed, and reply briefs filed within fifteen (15) days after such responses are filed; surreply briefs shall not be filed unless approved/requested by the Court; this provision shall not be construed to preclude the filing of motions for summary judgment at any time prior to the deadline for such filing, provided, however, that motions for summary judgment that require the Court to construe claims of a patent-in-suit shall not be filed until after the Court has issued its ruling on claim construction issues;

8. All parties shall file an indication whether or not they are willing to proceed to trial in


front of a Magistrate Judge by two hundred (200) days after the Court's ruling on claim construction issues;

9. The Court shall conduct a pretrial conference on May 3, 2011 at 10:00 a.m.; and

10. Trial shall commence on July 11, 2011.

**IT IS SO ORDERED.**

4-22-2010  
\_\_\_\_\_  
DATED

  
\_\_\_\_\_  
EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE