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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

**GOOGLE INC.,**

Plaintiff,

v.

**TRAFFIC INFORMATION LLC,**

Defendant.

No. CV09-642-HU

**JOINT AMENDED SUBMISSION  
REGARDING SCHEDULING AND  
REQUEST FOR AMENDMENT OF THE  
DISCOVERY AND PRETRIAL  
SCHEDULING ORDER**

Plaintiff Google Inc. (“Google”) and defendant Traffic Information, LLC (“Traffic”) have conferred concerning amendment to the Discovery and Pretrial Scheduling Order [ECF #3], proposed dates for the conduct of this case, and also scheduling of a Local Rule 16.2 conference for scheduling and planning.

1- JOINT SUBMISSION REGARDING SCHEDULING

Despite their best efforts, the parties have been unsuccessful in reaching a mutually-agreeable proposal. The parties note, however, that there are many areas of agreement between the two proposals. Google proposes that the Court adopt deadlines and details for disclosure of contentions by both parties in this case similar to those set out in the Patent Local Rules for the Northern District of California, Rules 2-1 through 3-7. Traffic proposes that the Court adopt the deadlines and details set out in the Patent Rules for the Eastern District of Texas, Rules 2-1 through 4-6.

As such, the parties are submitting their respective proposals for the Court's consideration, which amends the parties Joint Submission Regarding Scheduling and Request for Amendment of the Discovery and Pretrial Scheduling Order filed October 7, 2009 [ECF 20], as follows:

| <b>Event</b>  | <b>Google's Proposal</b> | <b>Traffic's Proposal</b> |
|---|--------------------------|---------------------------|
| Traffic submit Disclosure of Asserted Claims and Infringement Contentions per P.R. 3-1 and produce documents per P.R. 3-2 | 4/27/2010                | Agreed.                   |
| Traffic deadline to respond to outstanding discovery requests   | 5/4/2010                 | Agreed.                   |
| Google submit Invalidity Contentions per P.R. 3-3 and produce documents per P.R. 3-4                                      | 5/21/2010                | Agreed.                   |
| Parties exchange proposed claim terms   | 5/28/2010                | Agreed                    |

| <b>Event</b>   | <b>Google's Proposal</b>   | <b>Traffic's Proposal</b>  |
|--|--|--|
| Exchange preliminary constructions and extrinsic evidence                            | 6/18/2010  | Agreed.  |
| Parties submit Joint Claim Construction Chart setting out their respective positions | 7/2/2010   | Agreed.  |
| Initial Markman Briefs exchanged simultaneously by the parties                       | 7/16/2010  | Agreed.  |
| Response Markman Briefs exchanged simultaneously by the parties                      | 8/13/2010  | Agreed.  |
| Markman Hearing (expected not to exceed two days)                                    | Proposed for 9/8/2010, at the convenience of the Court   | Agreed.  |
| Deadline to amend contentions relating to infringement and validity by either party  | Google recommends that the Court adopt deadlines for disclosure of contentions by both parties similar to those set out in the Patent Local Rules for the Northern District of California, Rules 3-1 through 3-7 | Traffic recommends that the Court adopt deadlines for disclosure of contentions by both parties similar to those set out in the Patent Rules for the Eastern District of Texas |
| Court's Ruling on claim construction issues  | at the Court's convenience   | at the Court's convenience   |
| Close of Fact Discovery  | 30 days after Claim Construction Ruling  | 30 days after Claim Construction Ruling  |
| Exchange of Expert Reports on issues for which the parties bear the burden of proof  | 30 days after Claim Construction Ruling  | 60 days after Claim Construction Ruling  |
| Exchange of Rebuttal Expert Reports  | 60 days after Claim Construction Ruling  | 90 days after Claim Construction Ruling  |

### 3- JOINT SUBMISSION REGARDING SCHEDULING

| <b>Event</b>   | <b>Google's Proposal</b>                 | <b>Traffic's Proposal</b>                |
|--|--|--|
| Close of Expert Discovery  | 90 days after Claim Construction Ruling  | 120 days after Claim Construction Ruling |
| Dispositive Motions due; each party limited to total of 50 pages of opening summary judgment briefing                            | 150 days after Claim Construction Ruling | 180 days after Claim Construction Ruling |
| Response Briefs regarding dispositive motions due; each party limited to total of 50 pages of response summary judgment briefing | 180 days after Claim Construction Ruling | 210 days after Claim Construction Ruling |
| Reply Briefs regarding dispositive motions due; each party limited to total of 35 pages of reply summary judgment briefing       | 194 days after Claim Construction Ruling | 240 days after Claim Construction Ruling |
| Joint Alternate Dispute Resolution Report due  | 30 days after Dispositive Motion Rulings | Agreed.                                  |
| Pretrial Order due   | 45 days after Dispositive Motion Rulings | Agreed.                                  |

Pursuant to the Discovery and Pretrial Scheduling Order in this case issued June 2, 2009 [ECF #3], discovery is to be completed by October 7, 2009, and the Joint Alternate Dispute Resolution Report and Pretrial Order are due by November 6, 2009. The parties request that the Court extend the deadlines set out in the June 2, 2009 Order.

Pursuant to Local Rule 100.6, all parties consent to the electronically filed signatures on this document.

DATED: April 12, 2010

Respectfully submitted,

/s/ Thomas H. Shunk

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