

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

GOOGLE, INC.,

Plaintiff,

v.

TRAFFIC INFORMATION LLC,

Defendant.

Civil No. 09-642-HU

SCHEDULING ORDER

The parties proposed a schedule at the Rule 16 Conference held on April 13, 2010. Some of the "Agreed" items on the schedule presented in fact differed because plaintiff incorporated Patent Rules for the Northern District of California and defendant incorporated Patent Rules for the Eastern District of Texas. I adopt the schedule below. Where there are references to Patent Rules (P.R.) they refer to the Patent Rules for the Northern District of California.

April 27, 2010: Defendant to submit disclosure of asserted claims and infringement contentions pursuant to P.R. 3-1, and to produce documents per P.R. 3-2.

May 3, 2010 at 11:30 a.m.: A Telephone Status Conference will be held at which the court will: 1) further address with counsel the requirements of the parties' Joint Claim Construction Chart, in particular whether the court will adopt Rule 4.5(c) of the Northern District of Ohio Local Patent Rules in this regard; 2) discuss with counsel whether final ruling on claim construction will be by the Magistrate Judge or the District Judge, and if the latter, by what mechanism; 3) hear any dispute the parties have with respect to a protective order, and 4) set a trial date. The court will place the call.

May 4, 2010: Defendant to respond to outstanding discovery requests.

May 21, 2010: Plaintiff to submit invalidity contentions per P.R. 3-3 and to produce documents per P.R. 3-4.

May 28, 2010: Parties to exchange proposed claim terms to be construed.

June 18, 2010: Parties to exchange preliminary constructions and extrinsic evidence.

July 2, 2010: Parties to submit Joint Claim Construction Chart. Whether the court will adopt the requirement set forth in Rule 4-5(c) of the Patent Rules for the Northern District of Ohio, that the chart shall include a brief statement for each term, supporting or refuting the contention that the construction of those terms will be dispositive or promote settlement, will be addressed at the telephone status conference on May 3, 2010. There will be no additional claims identified by either party for construction after July 2, 2010, without leave of court, for good cause shown.

July 16, 2010: Initial Markman Briefs to be exchanged simultaneously by the parties.

August 13, 2010: Responsive Markman Briefs to be exchanged simultaneously by the parties.

Commencing September 8, 2010, at 9:30 a.m. in Courtroom #9B: A Markman hearing, not to exceed two days, will be held.

30 days after the decision on claim construction by the Magistrate Judge: The deadline by which either party may seek to amend any contentions relating to infringement and validity upon a showing of good cause.

60 days after final claim construction ruling:

- 1) Fact discovery to be completed;
- 2) Parties to simultaneously exchange expert reports on those issues for which the parties bear the burden of proof.

90 days after final claim construction ruling: Parties to simultaneously exchange responsive expert reports. There will be no formal rebuttal expert reports exchanged. If an expert has something to say in rebuttal it will be covered in that expert's deposition or the rebuttal testimony will not be used.

120 days after final claim construction ruling: Expert discovery to close.

135 days after final claim construction ruling: Dispositive motions are due. Each party limited to 50 pages in its opening brief.

165 days after final claim construction ruling: Dispositive motion response briefs are due, limited to 50 pages each.

179 days after final claim construction ruling: Dispositive motion reply briefs due, limited to 25 pages.

30 days ruling by magistrate judge on dispositive motion: The parties' Joint ADR Report to be filed.

30 days after final dispositive motion ruling: A Pretrial Order to be lodged.

DATED this 21st day of April, 2010.

/s/ Dennis J. Hubel

Dennis James Hubel
United States Magistrate Judge