

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

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Compression Labs, Incorporated, :

Plaintiff, :

v. :

C.A. No. 2:04-CV-158 DF

1. Agfa Corporation, :

2. Apple Computer, Incorporated, :

3. Axis Communications, Incorporated, :

4. Canon USA, Incorporated, :

5. Concord Camera Corporation, :

6. Creative Labs, Incorporated, :

7. Eastman Kodak Company, :

8. Fuji Photo Film U.S.A., :

9. Fujitsu Computer Products of America, Inc. :

10. Gateway, Incorporated, :

11. Hewlett-Packard Company, :

12. JASC Software, :

13. JVC Americas Corporation, :

14. Kyocera Wireless Corporation, :

15. Matsushita Electric Corporation of America, :

16. Mitsubishi Digital Electronics :

America, Incorporated, :

17. Océ North America, Incorporated, :

18. Onkyo U.S.A. Corporation, :

19. PalmOne, Incorporated, :

20. Panasonic Communications :

Corporation of America, :

21. Panasonic Mobile Communications :

Development Corporation of USA, :

22. Ricoh Corporation, :

23. Riverdeep, Incorporated (d.b.a. :

Broderbund), :

24. Savin Corporation, :

25. Thomson, Incorporated, and :

26. Xerox Corporation, :

Defendants.

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PLAINTIFF'S PROPOSED SCHEDULING ORDER

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| September 29, 2004 – <i>Agfa</i> November 1, 2004 - <i>Acer</i> | Parties exchange initial disclosures pursuant to Fed. R. Civ. P.26(a)(1). |
| October 18, 2004 | Plaintiff to serve “Disclosure of Asserted Claims and Preliminary Infringement Contentions” and supporting documents. |
| November 1, 2004 | Defendants serve “Preliminary Invalidity Contentions” as defined in the Joint Report Concerning Discovery and Scheduling, and supporting documents. |
| November 17, 2004 | Each party shall simultaneously exchange a list of claim terms, phrases, or clauses which that party contends should be construed by the Court, and identify any claim element which that party contends should be governed by 35 U.S.C. §112(6). |
| December 3, 2004 | Parties exchange “Preliminary Claim Constructions and Extrinsic Evidence” as defined in the Joint Report Concerning Discovery and Scheduling. |
| December 15, 2004 | Parties file “Joint Claim Construction and Prehearing Statement.” |
| December 22, 2004 | Deadline to complete all discovery relating to claim construction, including any depositions with respect to claim construction of any witness, including experts, identified by a party with their proposed claim constructions or as one of their rebuttal witnesses on claim construction. |
| January 17, 2005 | All parties simultaneously serve and file their Opening Markman Brief and any evidence supporting their proposed claim construction. |
| February 7, 2005 | Plaintiff proposes that all parties simultaneously serve and file their rebuttal Markman briefs and any evidence directly rebutting the supporting evidence contained in the opposing parties’ Opening Markman briefs. |
| February 8 , 2005 (or later) | Claim Construction Hearing 9:00 a.m. in Texarkana, Texas |
| April 11, 2005 | Amend Pleadings without leave of court on this date, or 30 days after entry of the Court’s claim construction ruling, whichever is later. (It is not necessary to file a motion for leave to amend pleadings prior to this date. It is necessary to file a motion for leave to amend after this date). |

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| April 25, 2005 | Answer Amended Pleadings |
| 15 days after entry of the court's ruling on claim construction | Plaintiff shall serve updated, amended and/or modified Infringement Contentions in light of the court's ruling on claim construction. Amendment or modification of these contentions after this date may be made only by order of the Court, which shall be entered only upon a showing of good cause. |
| May 16, 2005 | Disclosure of opinions of counsel. |
| 30 days after entry of the court's ruling on claim construction | Defendants shall serve updated, amended and/or modified Invalidity Contentions in light of the court's ruling on claim construction. Amendment or modification of these contentions after this date may be made only by order of the Court, which shall be entered only upon a showing of good cause. |
| June 1, 2005 | Parties identify experts |
| June 15, 2005 | Deadline for Service of Expert Reports by the Party with the Burden of Proof on the Claim or Defense at Issue. |
| June 15, 2005 | Fact Discovery deadline. All fact discovery shall be commenced in time to be completed by this date. |
| July 15, 2005 | Deadline for Service of Rebuttal Expert Reports – Rebuttal expert testimony shall mean expert testimony that is solely intended to contradict or rebut expert testimony on the same subject matter identified by another party pursuant to Fed. R. Civ. P. 26(a)(c) and Local Rule CV-26(b). |
| May 1, 2005 | Deadline to conduct mediation. |
| July 18, 2005 | Close of Expert Discovery -- All expert discovery shall be commenced in time to be completed by this date. |
| July 1, 2005 | Dispositive Motions and any other motions that may require a hearing (including <i>Daubert</i> motions). Dispositive Motions may be filed earlier. Responses and Replies to be filed in accordance with Local Rule CV-7. |
| August 29, 2005 | Pretrial disclosures pursuant to Fed. R. Civ. P. 26(a)(3) due. |
| September 12, 2005 | Objection to pretrial disclosures due. See Rule 26(a)(3) for details. |
| September 14, 2005 | Plaintiff provides Plaintiff's portions of Joint Final Pretrial Order & charge to Defendants |
| September 21, 2005 | Defendants provide Defendants' portions of Joint Final Pretrial Order & charge to Plaintiff |
| September 26, 2005 | Meet & confer re: pretrial order & charge |

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| September 28, 2005 | Joint Final Pretrial Order due. Joint Proposed Jury Instructions and Verdict Form due |
| September 16, 2005 | Motions in limine to be filed |
| September 30, 2005 | Responses to motions in limine due |
| October __, 2005 | Final Pretrial Conference 9:00 a.m. in Marshall, Texas |
| October __, 2005 | Jury Selection 9:00 a.m. in Marshall, Texas |

Entered this _____ day of _____, 2004.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE