

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

CERTICOM CORPORATION. ET AL.

V.

SONY CORPORATION, ET AL.

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CIVIL NO. 2:07-CV-216 (TJW)

DOCKET CONTROL ORDER

In accordance with the case status conference held herein on the 8th day of ~~November~~^{January},
2008
~~2007~~, it is hereby

ORDERED that the following schedule of deadlines is in effect until further order of this

court:

September 8, 2009

Jury Selection - 9:00 a.m. in **Marshall, Texas**

Pretrial Conference - _____ a.m./p.m. in **Marshall, Texas**

1 week before Pretrial
Conference

Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict.

1 week before Pretrial
Conference

Motions in *Limine* Due

The parties are ordered to **meet and confer** on their respective motions *in limine* and **advise the court of any agreements in this regard by 3:00 p.m. the business day before** the pretrial conference. The parties shall limit their motions *in limine* to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).

August 31, 2009

Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at lssimmons@yahoo.com.

45 days after claim construction ruling

Response to Dispositive Motions (including *Daubert* motions)¹

Responses to dispositive motions filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.

30 days after claim construction ruling

Deadling for filing Dispositive Motions and any other motions that may require a hearing (including *Daubert* motions)

20 days after claim construction ruling

Mediation to be completed

August 8, 2009

Defendant to Identify Trial Witnesses

August 1, 2009

Plaintiff to Identify Trial Witnesses

Fact: April 15, 2009

Expert: 45 days after

claim construction ruling or August 20, whichever is later

Discovery Deadline

30 Days after claim construction ruling

Designate Rebuttal Expert Witnesses other than claims construction

¹ The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **12 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

<u>February 2, 2009</u>	Comply with P.R. 4-2.
<u>January 13, 2009</u>	Comply with P.R. 4-1.
<u>July 1, 2008</u>	Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
<u>June 15, 2008</u>	Join Additional Parties

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.