

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Certicom Corporation and Certicom Patent Holding Corporation;

Plaintiffs,

v.

Sony Corporation, Sony Corporation of America, Sony Computer Entertainment Inc., Sony Computer Entertainment America Inc., Sony Pictures Entertainment Inc., Sony Electronics Inc. and Sony DADC US Inc.;

Defendants.

Civil Action No. 2:07-CV-216-TJW

JOINT MOTION TO MODIFY THE DOCKET CONTROL ORDER

Plaintiff Certicom Corporation and Certicom Patent Holding Corporation (collectively, “Certicom”) and Defendants Sony Corporation, Sony Corporation of America, Sony Computer Entertainment Inc., Sony Computer Entertainment America Inc., Sony Pictures Entertainment Inc., Sony Electronics Inc. and Sony DADC US Inc. (collectively, “Sony”) hereby move to modify the Court’s August 18, 2008 Docket Control Order (Dkt. No. 62) to extend the date by which the parties must comply with Patent Rule 4-2.

Pursuant to the Docket Control Order (Dkt. No. 62) entered in this case, the parties would have until February 2, 2009 to exchange preliminary claim constructions and extrinsic evidence in compliance with P.R. 4-2. The parties have exchanged proposed terms and claim elements for construction and now seek one additional week to formulate preliminary claim constructions and gather extrinsic evidence. Accordingly, both parties have agreed to extend the aforementioned

deadline to February 9, 2009. This extension will not affect any other dates in the Docket Control Order.

Dated: January 29, 2009

Respectfully submitted,

By: /s/ Melvin R. Wilcox, III
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Dated: January 29, 2009

Respectfully submitted,

By: /s/ Carl R. Roth by permission Melvin R. Wilcox, III

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Certicom Patent Holding Corp.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to FED. R. CIV. P. 5(d) and Local Rule CV-5(d), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by facsimile, electronic mail, and/or first class mail, on this 29th day of January, 2009.

/s/ Melvin R. Wilcox, III
MELVIN R. WILCOX, III

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**ORDER GRANTING JOINT MOTION TO MODIFY
THE DOCKET CONTROL ORDER**

CAME ON THIS DAY for consideration the parties' Joint Motion to Modify the Docket Control Order, and the Court being apprised of the grounds therefor, and being of the opinion that said motion should be GRANTED, it is hereby

ORDERED that the date by which the parties are to exchange preliminary claim constructions and extrinsic evidence in compliance with P.R. 4-2 is extended from February 2, 2009 to February 9, 2009.