

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

\_\_\_\_\_)  
CERTICOM CORP. and CERTICOM )  
PATENT HOLDING CORP., )  
) )  
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-00216-TJW

JURY

**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 4-3.

Pursuant to the Docket Control Order (Dkt. No. 62) entered in this case, the parties would have until March 4, 2009 to complete and file a Joint Claim Construction and Prehearing Statement in compliance with P.R. 4-3. The parties have exchanged proposed terms and claim elements for construction and have exchanged preliminary claim constructions and extrinsic evidence and now seek one additional week to complete the Joint Claim Construction and

Prehearing Statement. Accordingly, both parties have agreed to extend the aforementioned deadline to **March 11, 2009**. This extension will not affect any other dates in the Discovery Order or Docket Control Order.

Dated: February 27, 2009

Respectfully submitted,

By: /s/ Melvin R. Wilcox, III  
Melvin R. Wilcox, III  
Texas Bar No. 21454800  
YARBROUGH WILCOX, PLLC  
100 E. Ferguson, Suite 1015  
Tyler, TX 75702  
Tel: (903) 595-1133  
Fax: (903) 595-0191  
Email: [mrw@yw-lawfirm.com](mailto:mrw@yw-lawfirm.com)  
*Attorney for Defendants*

Dated: February 27, 2009

Respectfully submitted,

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

THE ROTH LAW FIRM

Carl R. Roth

Texas Bar No. 17312000

Brendan C. Roth

Texas Bar No. 24040132

Amanda A. Abraham

Texas Bar No. 24055077

115 N. Wellington, Suite 200

Marshall, Texas 75670

Telephone: (903) 935-1665

Facsimile: (903) 935-1797

Robert C. Morgan

Laurence S. Rogers

Khue V. Hoang

ROPES & GRAY LLP

1211 Avenue of the Americas

New York, New York 10036-8704

Telephone: (212) 596-9000

Facsimile: (212) 596-9090

*Attorneys for Plaintiffs Certicom Corp. and  
Certicom Patent Holding Corp.*

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed and/or served electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who 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(e), 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 certified mail, return receipt requested, on February 27, 2009.

/s/ Melvin R. Wilcox, III

MELVIN R. WILCOX, III