

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

MINERVA INDUSTRIES, INC.	§	
	§	
Plaintiff,	§	
v.	§	Case No. 2:07-cv-229 (CE)
	§	
MOTOROLA, INC., et al	§	
	§	
Defendants.	§	JURY
	§	

DOCKET CONTROL ORDER

In accordance with the case status conference held herein on the 1st day of May, 2008, it is hereby

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

June 7, 2010	Jury Selection - 9:00 a.m. in Marshall, Texas
May 27, 2010	Pretrial Conference 9:30 a.m. in Marshall, Texas
May 25, 2010	Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict
May 6, 2010	<p>Motions in <i>Limine</i> Due</p> <p>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).</p>

May 21, 2010

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.

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.

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

April 30, 2010

Mediation to be completed

May 24, 2010

Defendant to Identify Trial Witnesses

May 17, 2010

Plaintiff to Identify Trial Witnesses

April 23, 2010

Discovery Deadline

30 Days after claim construction ruling
Designate Rebuttal Expert Witnesses other than claims construction

Expert witness report due
Refer to Discovery Order for required information.

15 Days after claim construction ruling
Comply with P.R. 3-8.

¹ The parties are directed to Local Rule CV-7(d), which provides in part that "In 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.

	15 Days after claim construction ruling Party with the burden of proof to designate Expert Witnesses other than claims construction Expert witness report due Refer to Discovery Order for required information.
January 6, 2010	Claim construction hearing 9:00 a.m., Marshall, Texas.
October 15, 2009	Comply with P.R. 4-5(c).
September 24, 2009	Comply with P.R. 4-5(b).
August 6, 2009	Comply with P.R. 4-5(a).
July 1, 2009	Discovery deadline—claims construction issues
January 15, 2009	Respond to Amended Pleadings
December 15, 2008	Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings except to the extent the amendment seeks to add a new patent in suit. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein.)
May 15, 2009	Comply with P.R. 4-3.
March 6, 2009	Comply with P.R. 4-2.
February 2, 2009	Comply with P.R. 4-1.
January 26, 2009	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).
December 15, 2008	Join Additional Parties
November 3, 2008	Comply with P.R. 3-3 and 3-4
September 15, 2008	Rule 26 Disclosures
July 28, 2008	Comply with P.R. 3-1 and 3-2

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.

SIGNED this 30th day of May, 2008.


CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE