

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

|  |   |  |
|--|---|--|
| <b>BRIGHT RESPONSE LLC</b>   | § |  |
|  | § |  |
| <b>Plaintiff,</b>  | § |  |
|  | § |  |
| v.   | § | <b>Civil Action No. 2:07-cv-371-CE</b> |
|  | § |  |
| <b>GOOGLE INC., YAHOO!, INC., AOL LLC,<br/>and AMERICA ONLINE, INC.,</b> | § | <b>Jury Demand</b>                     |
|  | § |  |
| <b>Defendants.</b>   | § |  |

**AMENDED DOCKET CONTROL ORDER**

After consideration of the Joint Motion to Amend the Docket Control Order filed by the parties, the Court finds that it should be GRANTED, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

| <b>Deadline or Event</b>   | <b>Date</b>   |
|--|---------------|
| P.R. 3-8 Willfulness Disclosures due   | June 25, 2010 |
| Last day to file dispositive motions   | July 1, 2010  |
| Exchange opening expert reports (except damages)   | July 3, 2010  |
| Exchanges expert damages report  | July 5, 2010  |
| Deadline to request notice of Daily Transcript or Real Time Reporting of Court Proceedings.<br>If a daily transcript or real time reporting of the Court proceedings is requested for trial, the party or parties making the request shall file a notice with the Court and email the Court Reporter, Susan Simmons, at <a href="mailto:lssimmons@yahoo.com">lssimmons@yahoo.com</a> . | July 7, 2010  |
| Identify trial witnesses   | July 9, 2010  |
| Response to motions for summary judgment due   | July 15, 2010 |
| Parties exchange portions of joint pretrial order (witness and exhibit lists, depositions designations, jury instructions, and verdict form)   | July 15, 2010 |

|   |                       |
|---|-----------------------|
| Exchange rebuttal expert reports (except damages)   | July 17, 2010         |
| Joint pretrial order (including witness list, exhibits, and deposition designations), proposed jury instructions, and verdict form due* | July 19, 2010         |
| Exchange copies of trial exhibits to be received by   | July 19, 2010         |
| Exchange rebuttal expert damages report   | July 19, 2010         |
| Replies in support of summary judgment due  | July 22, 2010         |
| Daubert motions due (except damages)  | July 22, 2010         |
| Motions in limine due (except damages)  | July 22, 2010         |
| Objections to witnesses, exhibits, deposition designations due, and deposition counter-designations due                                 | July 23, 2010         |
| Close of all depositions except Rhyne and Allen on rebuttal reports   | July 23, 2010         |
| Daubert motions on damages due  | July 23, 2010         |
| Responses to motions in limine due  | July 26, 2010         |
| Responses to Daubert motions due  | July 26, 2010         |
| Deadline to meet and confer on witness lists, exhibits, deposition designations   | July 27, 2010         |
| Responses to Daubert motion on damages due  | July 27, 2010         |
| Deadline to meet and confer on motions in limine  | July 27, 2010         |
| Pretrial conference including all hearings  | July 29, 2010         |
|   |                       |
| <b>Trial</b>  | <b>August 2, 2010</b> |

**\*The parties may supplement the pretrial disclosures exchanged on July 15, 2010 by July 19, 2010, but only to the extent such supplementation is based upon issues or evidence raised in rebuttal expert reports served on July 17, 2010. The parties may also supplement the pretrial disclosures exchanged on July 15, 2010 by July 21, 2010, but only to the extent such supplementation is based upon issues or evidence raised in rebuttal expert reports served on July 19, 2010.**