

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

PA ADVISORS, LLC

Plaintiff,

v.

GOOGLE INC., et al,

Defendants

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:07-CV-480 (D)

JURY TRIAL DEMANDED

PROPOSED DOCKET CONTROL ORDER PURSUANT TO FRCP 26(f)
CONFERENCE

STEP	ACTION	PLAINTIFF'S PROPOSAL	DEFENDANTS' PROPOSAL
1	Initial Case Management Conference. P.R. 2-1 FRCP 26(f)	07/24/08	Agreed
2	Patentee serves Disclosure of Asserted Claims and Preliminary Infringement Contentions. P.R. 3-1.	08/15/08 (22 days from CMC instead of 10)	Agreed
3	Patentee makes Document Production Accompanying Disclosure. P.R. 3-2.	08/15/08	Agreed
4	Initial Disclosures FRCP 26(a)(1)	08/29/08 (39 days after CMC instead of 14)	Agreed
5	Accused Infringer serves Preliminary Invalidity Contentions. P.R. 3-3	10/24/08 (70 days after 3.1 instead of 45 days)	11/14/08
6	Accused Infringer makes Document Production accompanying preliminary invalidity contentions. P.R. 3-4	10/24/08	11/14/08
7	All parties make Exchange of Proposed Terms and Claim Elements for Construction. P.R. 4-1(a)	3/26/09	1/23/09
8	Patentee shall limit the number of asserted claims to no more than ten (10) and notify the accused infringer and court.	3/31/09	1/28/09

STEP	ACTION	PLAINTIFF'S PROPOSAL	DEFENDANTS' PROPOSAL
9	All parties meet and confer to discuss list of Proposed Terms and Claim Elements for Construction. P.R. 4-1(b)	4/16/09	1/30/09
10	Deadline for early mediation at the Parties' request.	11/14/08	Mediation after Markman hearing
11	All parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence. P.R. 4-2	4/15/09	2/27/09
12	All parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence. P.R. 4-2(c)	5/7/09 and 5/14/09	3/10/09
13	All parties jointly file Joint Claim Construction and Prehearing Statement. P.R. 4-3	5/28/09	3/27/09
14	Deadline to join other parties without leave of Court, which shall be at least 60 days before the deadline for filing dispositive motions.	11/18/08	Agreed
15	Deadline to file amended pleadings without leave of Court, which shall be at least 30 days before the deadline for dispositive motions.	11/18/08	Agreed
16	Completion of claim construction discovery. P.R. 4-4	06/9/09	4/27/09
17	Patentee files opening claim construction brief. P.R. 4-5(a)	6/18/09	5/28/09
18	Accused Infringer files responsive claim construction brief. P.R. 4-5(b)	7/20/09 (32 days after opening brief instead of 14)	7/20/09
19	Patentee files reply brief on claim construction. P.R. 4-5(c)	08/10/09 (21 days after response brief instead of 7)	Agreed
20	Parties file Joint Claim Construction Chart. P.R. 4-5(d)	9/7/09	Agreed
21	Pre-hearing conference and technical tutorial, if necessary.	9/16/09	Agreed
22	Claim Construction Hearing. P.R. 4-6	9/17/09	Agreed
23	Court's Claim Construction Ruling.	TBD	Agreed

STEP	ACTION	PLAINTIFF'S PROPOSAL	DEFENDANTS' PROPOSAL
24	Patentee makes Final Infringement Contentions. P.R. 3-6(a)	On or about 30 days after claim construction ruling pursuant to P.R. 3-6(a).	Agreed
25	Accused Infringer serves Preliminary Unenforceability Contentions.	On or about 40 days after claim construction ruling	Agreed
26	Accused Infringer makes document production accompanying Preliminary Unenforceability Contentions.	On or about 40 days after claim construction ruling.	Agreed
27	Accused Infringer makes Final Invalidity Contentions. P.R. 3-6(b)	On or about 50 days after claim construction ruling pursuant to P.R. 3-6(a).	Agreed
28	Accused Infringer makes disclosure relating to willfulness. P.R. 3-8	On or about 50 days after claim construction ruling.	Agreed
29	Accused Infringer makes Final Unenforceability Contentions.	On or about 60 days after claim construction ruling.	Agreed
30	Deadline for completion of all fact discovery, which shall be at least 90 days before the final pretrial conference.	On or about 80 days after claim construction ruling.	On or about 90 days after claim construction ruling.
31	Deadline for disclosure of expert testimony on issues for which a party bears the burden of proof. FRCP 26(a)(2) L.R. CV-26(b)	On or about 90 days after claim construction ruling.	On or about 120 days after claim construction ruling.
32	Deadline for disclosure of rebuttal expert testimony. FRCP 26(a)(2) L.R. CV-26(b)	On or about 110 days after claim construction ruling.	On or about 150 days after claim construction ruling
33	Deadline for late mediation at the Parties' request.	On or about 60 days after claim construction ruling	Agreed
34	Deadline for completion of expert discovery.	30 days after rebuttal expert testimony.	Agreed
35	Deadline for objections to other parties' expert witnesses.	15 days after completion of expert discovery	Agreed

STEP	ACTION	PLAINTIFF'S PROPOSAL	DEFENDANTS' PROPOSAL
36	Deadline for filing dispositive motions, including motions on invalidity and unenforceability, which shall be at least 75 days before the initial pretrial conference.	At least 75 days before initial pretrial conference	Agreed
37	Deadline for filing all <i>Daubert</i> motions.	Same as 36.	Agreed
38	Deadline for parties to make pretrial disclosures. FRCP 26(a)(3)	At least 30 days before initial pretrial conference.	Agreed
39	Patentee to provide to other parties its information for Joint Final Pretrial Order, Proposed Jury Instructions and Verdict Form.	At least 30 days before initial pretrial conference	Agreed
40	Defendant and Third parties to provide to Patentee their information for Joint Final Pretrial Order, Proposed Jury Instructions and Verdict Form.	At least 30 days before initial pretrial conference.	Agreed
41	Parties to file Proposed Joint Final Pretrial Order, Proposed Jury Instructions, Joint Verdict Forms and Motions in Limine. Prior to initial pretrial conference, parties shall confer with each other regarding the other party's Motion in Limine, deposition designations, and exhibits and shall submit to the Court in writing any objections they may have to the other party's Motions in Limine, deposition designations and exhibits.	At least 2 weeks before the initial pretrial conference.	Agreed
42	Initial Pretrial Conference and hearing on Motions in Limine if required and hearing on objections to deposition designations and exhibits.	TBD	Agreed
43	Final Pretrial Conference before Judge David Folsom.	TBD	Agreed
44	Jury Selection before Judge David Folsom.	March, 2010	October, 2010

c:\documents and settings\andreaproberts\local settings\temporary internet files\olke13\proposed docket control order (7-21) as (2).doc

Respectfully submitted,

/s/ Andrew Wesley Spangler
Spangler Law PC

/s/ David J Beck
Beck Redden & Secret

208 N. Green St., Suite 300
Longview, TX 75601
903-753-9300
Fax: 903-553-0403
Email: spangler@spanglerlawpc.com

Danny Lloyd Williams
Williams Morgan & Amerson
10333 Richmond, Suite 1100
Houston, TX 77042
713/934-4060
Fax: 17139347011
Email: dwilliams@wmalaw.com

David Michael Pridham
David Pridham
Law Office of David Pridham
25 Linden Road
Barrington, RI 02806
401-633-7247
Fax: 401-633-7247
Email: david@PridhamIPLaw.com

J Mike Amerson
Williams Morgan & Amerson PC
10333 Richmond, Suite 1100
Houston, TX 77042
713/934-4055
Fax: 17139347011
Email: mike@wmalaw.com

Joseph Diamante
Jenner & Block LLP - NY
919 Third Avenue
New York, NY 10022
212/891-1600
Fax: 212/909-0811
Email: jdiamante@jenner.com

Patrick Rolf Anderson
Patrick R. Anderson, PLLC
4225 Miller Rd., Bldg. B-9, Suite 358
Flint, MI 48507
517-303-4806
Fax: 248-928-9239
Email: patrick@praplhc.com

1221 McKinney St, Suite 4500
One Houston Center
Houston, TX 77010-2020
713/951-3700
Fax: 17139513720
Email: dbeck@brsfirm.com

Brian C Cannon
Quinn Emanuel Urquhart Oliver & Hedges -
Redwood
555 Twin Dolphin Dr
Suite 560
Redwood Shores, CA 94065
650/801-5000
Fax: 650/801-5100
Email: brianccannon@quinnemanuel.com

Michael Ernest Richardson
Beck Redden & Secrest - Houston
1221 McKinney
Suite 4500
Houston, TX 77010-2010
713/951-6284
Fax: 17139513720
Email: mrichardson@brsfirm.com

ATTORNEYS FOR DEFENDANT
GOOGLE INC.

Jonathan T. Suder
State Bar No. 19463350
Michael T. Cooke
State Bar No. 04759650
FRIEDMAN, SUDER & COOKE
Tindall Square Warehouse No. 1
604 East 4th Street, Suite 200
Fort Worth, Texas 76102
(817) 334-0400
Fax (817) 334-0401
Email: mtc@fsclaw.com
Email: jts@fsclaw.com

ATTORNEYS FOR PLAINTIFF
PA ADVISORS, LLC

/s/ Jason C White
Howrey LLP - Chicago
321 North Clark Street
Suite 3400
Chicago, IL 60610
312/846-4680
Fax: 312/602-3986
Email: whitej@howrey.com

/s/ David M Lacy Kusters
Fenwick & West - San Francisco
555 California Street
12th Floor
San Francisco, CA 94104
415-875-2300
Fax: 415-281-1350
Email: dlacykusters@fenwick.com

John Frederick Bufe
Potter Minton
P. O. Box 359
Tyler, TX 75710
903/597/8311
Fax: 9035930846
Email: johnbufe@potterminton.com

Indra Neel Chatterjee
Orrick Herrington & Sutcliffe - Menlo Park
1000 Marsh Rd
Menlo Park, CA 94025
650/614-7400
Fax: 650/614-7401
Email: nchatterjee@orrick.com

Michael Edwin Jones
Potter Minton PC
110 N College
Suite 500
PO Box 359
Tyler, TX 75710-0359
903/597/8311
Fax: 9035930846
Email: mikejones@potterminton.com

J Thad Heartfield
The Heartfield Law Firm
2195 Dowlen Rd
Beaumont, TX 77706
409/866-3318
Fax: 14098665789
Email: thad@jth-law.com

ATTORNEYS FOR DEFENDANT
YAHOO! INC.

Monte M F Cooper
Orrick Herrington & Sutcliffe LLP
1000 Marsh Rd
Menlo Park, CA 94025
650/614-7375

Fax: 16506147401
Email: mcooper@orrick.com

Thomas J Gray
Orrick Herrington & Sutcliffe - Irvine
4 Park Plaza
Suite 1600
Irvine, CA 92614
949/567-6700
Fax: 949/567-6701
Email: tgray@orrick.com

ATTORNEYS FOR DEFENDANT
FACEBOOK, INC.

/s/ Craig S Summers
Knobbe Martens Olson & Bear LLP -
Irvine, CA
2040 Main St
Fourteenth Floor
Irvine, CA 92614
949/760-0404
Fax: 949/760-9502
Email: craig.summers@kmob.com

Joseph S Cianfrani
Knobbe Martens Olson & Bear LLP -
Irvine, CA
2040 Main St
Fourteenth Floor
Irvine, CA 92614
949/760-0404
Fax: 949/760-9502
Email: jcianfrani@kmob.com

Matthew S Bellinger
Knobbe Martens Olson & Bear LLP -
Irvine, CA
2040 Main St
Fourteenth Floor
Irvine, CA 92614
949-760-9502
Fax: 949-760-9502
Email: matt.bellinger@kmob.com

Melvin R Wilcox, III
Yarbrough - Wilcox, PLLC

/s/ Hiep Huu Nguyen
Darby & Darby - New York
7 World Trade Center
250 Greenwich Street
New York, NY 10007-0042
212/527-7700
Fax: 212/527-7701
Email: hnguyen@darbylaw.com

James E Hanft
Darby & Darby - New York
7 World Trade Center
250 Greenwich Street
New York, NY 10007-0042
212/527-7700
Fax: 212/527-7701
Email: jhanft@darbylaw.com

Matthew D Orwig
Sonnenschein Nath & Rosenthal LLP - Dallas
1717 Main Street
Suite 3400
Dallas, TX 75201-7395
214/259-0990
Fax: 214/259-0910
Email: morwig@sonnenschein.com

Melvin C Garner
Darby & Darby - New York
7 World Trade Center
250 Greenwich Street
New York, NY 10007-0042

212/527-7700
Fax: 212/527-7701
Email: mgarner@darbylaw.com

ATTORNEYS FOR DEFENDANT
CONTEXTWEB, INC.

/s/ Ben Frey
Sidley Austin - Chicago
Bank One Plaza
One South Dearborn Ave
Chicago, IL 60603
312/853-7000
Fax: 312/853-7036
Email: bfrey@sidley.com

Douglas I Lewis
Sidley Austin - Chicago
One South Dearborn St
Chicago, IL 60603
312/853-7000
Fax: 13128537036
Email: dilewis@sidley.com

Evelyn Y Chen
Sidley Austin - Dallas
717 N Harwood
Suite 3400
Dallas, TX 75201
214-981-3412
Fax: 214-981-3400
Email: eychen@sidley.com

G William Lavender
Lavender Law
210 N State Line Ave
Suite 503
PO Box 1938
Texarkana, AR 75504-1938
870/773-3187
Fax: 18707733181
Email: blav@lavenderlaw.com

Richard A Cederth
Sidley Austin - Chicago

100 E. Ferguson, Suite 1015
Tyler, TX 75702
903.595.1133
Fax: 903.595.0191
Email: mrw@yw-lawfirm.com

ATTORNEYS FOR DEFENDANT
SPECIFIC MEDIA, INC.

/s/ C Thomas Kruse
Baker & Hostetler - Houston
1000 Louisiana
Suite 2000
Houston, TX 77002-5009
713/646-1365
Fax: 713/751-1717
Email: tkruse@bakerlaw.com

Paul I Perlman
Hodgson Russ LLP
140 Pearl Street
Suite 100
Buffalo, NY 14202-4040
716/848-1479
Fax: 716/819-4616
Email: pperlman@hodgsonruss.com

Robert J Fluskey, Jr
Hodgson Russ LLP
140 Pearl Street
Suite 100
Buffalo, NY 14202-4040
716/856-4000
Fax: 716/849-0349
Email: rfluskey@hodgsonruss.com

ATTORNEYS FOR DEFENDANT
SEACAST CORPORATION and
PULSE 360, INC.

One South Dearborn St
Chicago, IL 60603
312/853-7000
Fax: 312/853-7036
Email: rcederoth@sidley.com

ATTORNEYS FOR DEFENDANTS
FAST SEARCH & TRANSFER, INC., FAST
SEARCH TRANSFER ASA and
AGENTARTS, INC.

/s/ Harry Lee Gillam, Jr
Gillam & Smith, LLP
303 South Washington Avenue
Marshall, TX 75670
903-934-8450
Fax: 903-934-9257
Email: gil@gillamsmithlaw.com

Howard I Sherman
Kaye Scholer - New York
425 Park Avenue
New York, NY 10022
212/836-8071
Fax: 212/836-7153
Email: hsherman@kayescholer.com

James S Blank
Kaye Scholer - New York
425 Park Avenue
New York, NY 10022
212/836-7528
Fax: 12128368689
Email: jblank@kayescholer.com

ATTORNEYS FOR DEFENDANT
24/7 REAL MEDIA, INC.

c:\documents and settings\andreaproberts\local settings\temporary internet files\olke13\redline of jcmr.doc