

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

PA ADVISORS, LLC

Plaintiff,

v.

GOOGLE INC., et al,

Defendants

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

JURY TRIAL DEMANDED

[PROPOSED] AGREED DOCKET CONTROL ORDER

STEP	ACTION	DEADLINE
1	Initial Case Management Conference. P.R. 2-1 FRCP 26(f)	07/24/08
2	Patentee serves Disclosure of Asserted Claims and Preliminary Infringement Contentions. P.R. 3-1.	08/22/08
3	Patentee makes Document Production Accompanying Disclosure. P.R. 3-2.	08/22/08
4	Initial Disclosures FRCP 26(a)(1)	09/05/08
5	Accused Infringer serves Preliminary Invalidity Contentions. P.R. 3-3	11/14/08
6	Accused Infringer makes Document Production accompanying preliminary invalidity contentions. P.R. 3-4	11/14/08
7	All parties make Exchange of Proposed Terms and Claim Elements for Construction. P.R. 4-1(a)	03/06/09
8	Patentee shall limit the number of asserted claims to no more than ten (10) and notify the accused infringer and court.	03/13/09
9	All parties meet and confer to discuss list of Proposed Terms and Claim Elements for Construction. P.R. 4-1(b)	Parties to schedule at least two conferences on mutually convenient dates and times

STEP	ACTION	DEADLINE
10	All parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence. P.R. 4-2	03/20/09
11	All parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence. P.R. 4-2(c)	Parties to schedule at least two conferences on mutually convenient dates and times
12	All parties jointly file Joint Claim Construction and Prehearing Statement. P.R. 4-3	05/15/09
13	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
14	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
15	Completion of claim construction discovery. P.R. 4-4	06/05/09
16	Patentee files opening claim construction brief. P.R. 4-5(a)	06/18/09
17	Accused Infringer files responsive claim construction brief. P.R. 4-5(b)	07/20/09
18	Patentee files reply brief on claim construction. P.R. 4-5(c)	08/10/09
19	Parties file Joint Claim Construction Chart. P.R. 4-5(d)	09/07/09
20	Pre-hearing conference and technical tutorial, if necessary.	09/16/09
21	Claim Construction Hearing. P.R. 4-6	9/17/09 at 9:00 a.m.
22	Court's Claim Construction Ruling.	TBD
23	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).
24	Accused Infringer serves Preliminary Unenforceability Contentions.	On or about 40 days after claim construction ruling

STEP	ACTION	DEADLINE
25	Accused Infringer makes document production accompanying Preliminary Unenforceability Contentions.	On or about 40 days after claim construction ruling.
26	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).
27	Accused Infringer makes disclosure relating to willfulness. P.R. 3-8	On or about 50 days after claim construction ruling.
28	Accused Infringer makes Final Unenforceability Contentions.	On or about 60 days after claim construction ruling.
29	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.
30	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.
31	Deadline for disclosure of rebuttal expert testimony. FRCP 26(a)(2) L.R. CV-26(b)	On or about 120 days after claim construction ruling.
32	Deadline for late mediation at the Parties' request.	On or about 60 days after claim construction ruling.
33	Deadline for completion of expert discovery.	30 days after rebuttal expert testimony.
34	Deadline for objections to other parties' expert witnesses.	15 days after completion of expert discovery
35	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
36	Deadline for filing all <i>Daubert</i> motions.	Same as 35

STEP	ACTION	DEADLINE
37	Deadline for parties to make pretrial disclosures. FRCP 26(a)(3)	At least 30 days before initial pretrial conference.
38	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
39	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.
40	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.
41	Initial Pretrial Conference and hearing on Motions in Limine if required and hearing on objections to deposition designations and exhibits.	TBD
42	Final Pretrial Conference before Judge David Folsom.	TBD
43	Jury Selection before Judge David Folsom.	March 2, 2010