

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-DF

JURY TRIAL DEMANDED

[PROPOSED] AGREED AMENDED DOCKET CONTROL ORDER

After consideration of the Unopposed Motion to Amend Docket Control Order, the Court hereby ORDERS that the Docket Control Order be amended as follows:

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

STEP	ACTION	DEADLINE
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
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.	9/30/09
23	Patentee makes Final Infringement Contentions. P.R. 3-6(a)	For Google: 10/30/09 For Yahoo!: 11/30/09

STEP	ACTION	DEADLINE
24	Accused Infringer serves Preliminary Unenforceability Contentions.	11/9/09 - 40 days after claim construction ruling
25	Accused Infringer makes document production accompanying Preliminary Unenforceability Contentions.	11/9/09 - 40 days after claim construction ruling.
26	Deadline to file letter brief requesting permission to file summary judgment motions	11/16/09 – 60 days prior to deadline to file dispositive motions
27	Accused Infringer makes Final Invalidity Contentions. P.R. 3-6(b)	11/19/09 - 50 days after claim construction ruling pursuant to P.R. 3-6(a).
28	Accused Infringer makes disclosure relating to willfulness. P.R. 3-8	11/19/09 - 50 days after claim construction ruling.
29	Accused Infringer makes Final Unenforceability Contentions.	11/30/09 - 60 days after claim construction ruling.
30	Deadline for late mediation at the Parties' request.	11/30/09
31	Deadline for completion of all fact discovery.	12/21/09
32	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)	12/21/09
33	Deadline for disclosure of rebuttal expert testimony. FRCP 26(a)(2) L.R. CV-26(b)	1/13/10
34	Deadline to file letter request for permission to file <i>Daubert</i> motions	Not required
35	Deadline for filing dispositive motions, including motions on invalidity and unenforceability.	1/15/10
36	Deadline for completion of expert discovery.	1/29/10
37	Deadline for objections to other parties' expert witnesses.	2/5/10

STEP	ACTION	DEADLINE
38	Deadline for parties to make pretrial disclosures. FRCP 26(a)(3)	2/15/10
39	Deadline for filing all <i>Daubert</i> motions.	2/5/10
40	Patentee to provide to other parties its information for Joint Final Pretrial Order, Proposed Jury Instructions and Verdict Form.	2/1/10
41	Defendant and Third parties to provide to Patentee their information for Joint Final Pretrial Order, Proposed Jury Instructions and Verdict Form.	2/1/10
42	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.	2/15/10
43	Initial Pretrial Conference and hearing on Motions in Limine if required and hearing on objections to deposition designations and exhibits.	TBD
44	Final Pretrial Conference before Judge David Folsom.	March 1, 2010
45	Jury Selection before Judge David Folsom.	March 2, 2010