

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

NORTHEASTERN UNIVERSITY and  
JARG CORPORATION

Plaintiffs,

v.

GOOGLE, INC.

Defendant.

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CASE NO. 2:07-CV-486

DEMAND FOR JURY TRIAL

**DOCKET CONTROL ORDER**

In accordance with the case status conference held herein on the 29th day of July, 2008, it is hereby

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

April 4, 2011

Jury Selection - 9:00 a.m. in **Marshall, Texas**

March 29, 2011

Pretrial Conference – 9:00 a.m. in **Marshall, Texas**

March 25, 2011

Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict.

March 21, 2011

**Responses to Motions *in Limine* Due**

Responses to motions *in limine* filed prior to the motions *in limine* deadline shall be filed within 3 weeks after the motion *in limine* is filed. 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).

February 25, 2011

**Motions in *Limine* Due**

March 7, 2011

**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](mailto:lssimmons@yahoo.com)

March 29, 2011

Response to Dispositive Motions (including *Daubert* motions)<sup>1</sup>

**Responses to dispositive motions filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be filed within 3 weeks after the dispositive motion is filed. Motions for Summary Judgment shall comply with Local Rule CV-56.**

March 7, 2011

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

March 7, 2011

Mediation to be completed

February 18, 2011

Parties to identify trial witnesses, exchange deposition designations, and exchange exhibit lists under Fed. R. Civ. P. 26(3)(A)

February 4, 2011

Discovery Deadline

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<sup>1</sup> The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.”

_____	<b>30 Days after claim construction ruling</b> Designate Rebuttal Expert Witnesses other than claims construction Expert witness report due Refer to Discovery Order for required information.
_____	<b>15 Days after claim construction ruling</b> Comply with P.R. 3-7.
_____	<b>15 Days after claim construction ruling</b> Party with the burden of proof to designate Expert Witnesses other than claim construction Expert witness report due Refer to Discovery Order for required information.
October 6, 2010	Claim construction hearing at 9:00 a.m., <b>Marshall, Texas.</b>
July 9, 2010	Respond to Amended Pleadings
June 25, 2010	Amend Pleadings <b>(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.)</b>
May 7, 2010	Update of 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).
November 6, 2009	Join Additional Parties
October 26, 2009	Comply with P.R. 4-5(c).

October 2, 2009	Comply with P.R. 4-5(b).
September 4, 2009	Comply with P.R. 4-5(a).
August 14, 2009	Discovery deadline-claims construction issues.
July 10, 2009	Comply with P.R. 4-3.
June 12, 2009	Comply with P.R. 4-2.
May 22, 2009	Comply with P.R. 4-1.
May 8, 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).
November 7, 2008	Comply with P.R. 3-3 and P.R. 3-4.

#### **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.