

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

SOFTWARE RIGHTS ARCHIVE, LLC

v.

**GOOGLE INC., YAHOO! INC., IAC
SEARCH & MEDIA, INC., AOL, LLC,
AND LYCOS, INC.**

Civil Case No. 2:07-cv-511 (CE)

JURY TRIAL DEMANDED

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:

May 2, 2011

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

April 21, 2011

Pretrial Conference - 9:30 a.m. in
Marshall, Texas

April 13, 2011

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

April 1, 2011

Motions in *Limine* Due

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).

April 1, 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.

March 28, 2011	Response to Dispositive Motions (including Daubert motions). ¹ Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.
March 7, 2011	Deadline for filing Dispositive Motions and any other motions that may require a hearing (including <i>Daubert</i> motions)
March 7, 2011	Mediation to be completed
February 25, 2011	Fact Discovery Deadline
January 28, 2011	Defendant to Identify Trial Witnesses
January 21, 2011	Plaintiff to Identify Trial Witnesses
_____	90 Days after claim construction ruling Expert Discovery Deadline
_____	60 Days after claim construction ruling Designate Rebuttal Expert Witnesses other than claims construction Expert witness report due Refer to Discovery Order for required information.
_____	30 Days after claim construction ruling Comply with P.R. 3-7

¹ 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." Local Rule CV-7(e) provides that a party opposing a motion has **12 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

	30 Days after claim construction ruling Party with the burden of proof to designate Expert Witnesses other than claims construction Expert witness report due Refer to Discovery Order for required information.
November 10, 2010	Claim construction hearing 9:00 a.m., Marshall, Texas
October 29, 2010	Comply with P.R. 4-5(d)
October 8, 2010	Comply with P.R. 4-5(c).
September 10, 2010	Comply with P.R. 4-5(b).
August 6, 2010	Comply with P.R. 4-5(a).
July 16, 2010	Discovery deadline – claims construction issues
June 25, 2010	Comply with P.R. 4-3.
May 28, 2010	Comply with P.R. 4-2.
May 21, 2010	Respond to Amended Pleadings
April 30, 2010	Comply with P.R. 4-1.
April 23, 2010	Amend Pleadings (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.)

October 16, 2009

Join Additional Parties

June 19, 2009

Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to privilege)

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.

SIGNED this 12th day of September, 2008.


CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE