

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

<b>PAID SEARCH ENGINE TOOLS, LLC</b>	§	
	§	
<b>VS.</b>	§	<b>Civil Action No. 208cv61 DF-CE</b>
	§	
<b>GOOGLE, INC. AND MICROSOFT CORPORATION</b>	§	
	§	

**DOCKET CONTROL ORDER**

After reviewing the parties Joint Case Management Report, the Court hereby enters the following Docket Control Order pursuant to this Court's Local Rule CV-16 and FED. R. CIV. P. 16:

<b>STEP</b>	<b>ACTION</b>	<b>RULE</b>	<b>DATE DUE</b>
1	Initial Case Management Conference	P. R. 2-1 FRCP 26(f)	October 27, 2008
2	Patentee serves Disclosure of Asserted Claims and Preliminary Infringement Contentions of a reasonable number of representative claims	P.R. 3-1	October 17, 2008
3	Patentee makes Document Production Accompanying Disclosure	P..R. 3-2	October 17, 2008
4	<b>Initial Disclosures</b>	FRCP 26(a)(1)	November 21, 2008
5	Accused Infringer serves Preliminary Invalidity Contentions	P..R. 3-3	February 20, 2009

<b>STEP</b>	<b>ACTION</b>	<b>RULE</b>	<b>DATE DUE</b>
6	Accused Infringer makes Document Production Accompanying Preliminary Invalidity Contentions	P.R. 3-4	February 20, 2009
7	All parties make Exchange of Proposed Terms and Claim Elements for Construction	P.R. 4-1(a)	June 12, 2009
8	Patentee shall limit the number of asserted claims to no more than ten (10) and notify the accused infringer and Court		June 26, 2009
9	All parties meet and confer to discuss list of Proposed Terms and Claim Elements for Construction	P. R. 4-1(b)	July 2, 2009
10	Deadline for early mediation at the Parties' request		N/A
11	All parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence	P. R. 4-2	August 3, 2009
12	All parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence	P. R. 4-2(c)	August 17, 2009
13	All parties jointly file Joint Claim Construction and Prehearing Statement	P. R. 4-3	September 4, 2009

<b>STEP</b>	<b>ACTION</b>	<b>RULE</b>	<b>DATE DUE</b>
14	Deadline to join other parties without leave of Court, which shall be at least 60 days before the deadline for filing dispositive motions		September 4, 2009
15	Deadline to file amended pleadings without leave of Court, which shall be at least 30 days before the deadline for dispositive motions		November 2, 2009
16	Completion of Claim Construction Discovery	P. R. 4-4	September 18, 2009
17	Patentee files opening claim construction brief	P R. 4-5(a)	October 2, 2009
18	Accused Infringer files responsive claim construction brief	P. R. 4-5(b)	November 2, 2009
19	Patentee files reply brief on claim construction	P. R. 4-5(c)	November 16, 2009
20	ONLY WITH LEAVE OF COURT Accused infringer files sur-reply brief on claim construction		December 11, 2009
21	Parties file Join Claim Construction Chart	P. R. 4-5(d)	January 27, 2010
22	Pre-hearing Conference and technical tutorial if necessary		February 9, 2010
23	Claim Construction Hearing	P. R. 4-6	February 10, 2010, 9:00 a.m.
24	Court's Claim Construction Ruling		[(3 weeks after 23) subject to the Court's scheduling and/or use of a technical advisor]

<b>STEP</b>	<b>ACTION</b>	<b>RULE</b>	<b>DATE DUE</b>
25	Patentee makes Final Infringement Contentions	P. R. 3-6(a)	30 days after claim construction ruling
26	Accused Infringer serves Preliminary Unenforceability Contentions		40 days after claim construction ruling
27	Accused Infringer makes Document Production Accompanying Preliminary Unenforceability Contentions		40 days after claim construction ruling
28	Accused Infringer makes Final Invalidity Contentions	P.R. 3-6(b)	50 days after claim construction ruling
29	Accused Infringer makes disclosure relating to willfulness	P.R. 3-7	50 days after claim construction ruling
30	Accused Infringer makes Final Unenforceability Contentions		60 days after claim construction ruling
31	Deadline for completion of all fact discovery, which shall be at least 90 days before the final pretrial conference		80 days after claim construction ruling
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)	90 days after claim construction ruling
33	Deadline for disclosure of rebuttal expert testimony	FRCP 26(a)(2) L.R. CV-26(b)	110 days after claim construction ruling
34	Deadline for late mediation		October 18, 2009

<b>STEP</b>	<b>ACTION</b>	<b>RULE</b>	<b>DATE DUE</b>
35	Deadline for completion of expert discovery		30 days after rebuttal expert testimony
36	Deadline for objections to other parties' expert witnesses		14 days after deadline for completion of expert discovery
37	Deadline for filing dispositive motions, including motions on invalidity and unenforceability, which shall be at least 75 days before the initial pretrial conference		75 days before initial pretrial conference
38	Deadline for filing all <i>Daubert</i> motions		75 days before initial pretrial conference
39	Deadline for parties to make pretrial disclosures	FRCP 26(a)(3)	30 days before initial pretrial conference
40	Patentee to provide to other parties its information for Joint Final Pretrial Order, Proposed Jury Instruction and Verdict Form		30 days before initial pretrial conference
41	Defendant and Third-parties to Provide to Patentee their information for Joint Final Pretrial Order, Proposed Jury Instruction and Verdict Form		30 days before initial pretrial conference

STEP	ACTION	RULE	DATE DUE
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 exhibit 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 weeks before initial pretrial conference
43	Initial Pretrial Conference and hearing on Motions in Limine if required and hearing on objections to deposition designations and exhibits		Court will set at a later date.
44	Final Pretrial Conference before Judge David Folsom		October 4, 2010*
45	Jury Selection before Judge David Folsom		October 5, 2010, 10:00 a.m.

SIGNED this 15th day of December, 2008.

  
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CHARLES EVERINGHAM IV  
UNITED STATES MAGISTRATE JUDGE