

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

IP CO., LLC, d/b/a INTUS IQ,

Plaintiff,

v.

**ONCOR ELECTRIC DELIVERY CO.,
LLC, et al.,**

Defendant.

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CIVIL ACTION NO. 2:09-CV-37

ORDER

Due to the large number of patent cases pending on the Court’s docket, resulting in voluminous motion practice, the Court finds it necessary to implement procedures applying to future motions to be submitted in recently filed cases. This procedure is necessary to allow the Court to manage its docket in a timely fashion.

The procedure is as follows:

Summary Judgment Motions: Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than five (5) pages and shall be filed with the Court no later than sixty (60) days before the deadline for filing summary judgment motions. Answering letter briefs in each of those matters shall be no longer than five (5) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than five (5) days thereafter. The Court may hold a hearing or telephone conference, if necessary, to hear arguments and to determine whether the filing of any motion will be permitted.

Motions to Strike Expert Testimony/Daubert Motions: Prior to filing any Motions to Strike or Daubert Motions, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than three (3) pages and shall be filed with the Court no later than sixty (60) days before the deadline for filing Motions to Strike or Daubert Motions. Answering letter briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than two (2) pages and filed with the Court no later than five (5) days thereafter. The Court may hold a hearing or telephone conference, if necessary, to hear arguments and to determine whether the filing of any motion will be permitted.

Motions in Limine: Prior to filing any Motions *in Limine*, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief in each of those matters shall be no longer than three (3) pages and shall be filed with the Court no later than sixty (60) days before the deadline for filing Motions *in Limine*. Answering letter briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than two (2) pages and filed with the Court no later than five (5) days thereafter. The Court may hold a hearing or telephone conference, if necessary, to hear arguments and to determine whether the filing of any motion will be permitted.

Claim Construction presentation: The parties shall prepare and present arguments at any future-scheduled claim-construction hearings on a claim term-by-claim term basis. The Court has found that presentation in this manner facilitates discussion as to the core disputes and promotes judicial efficiency, while presentation on a party-by-party basis is more difficult to follow and less efficient. Where it makes sense, the parties may group logically-related terms together. Any desired

deviation from these claim-construction presentation guidelines shall be submitted to the Court by motion.

For all of the above mentioned motions, the letter briefs shall be filed without exhibits. Any requests to submit letter briefs after the deadlines outlined above must show good cause.

IT IS SO ORDERED.

SIGNED this 13th day of July, 2009.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE