

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

BENEFICIAL INNOVATIONS, INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
	§	
CAREERBUILDER, LLC, ET AL.	§	
	§	CASE NO. 2:09-CV-175-TJW
Defendants.	§	Jury Trial Demanded
	§	

DOCKET CONTROL ORDER

In accordance with the case status conference held herein on the 30th day of August 30, 2010, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

September 4, 2012 Jury Selection - 9:00 a.m. in **Marshall, Texas**

August 20, 2012 Final Pretrial Conference - 9:30 a.m. in **Marshall, Texas**

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).

August 6, 2012 Objections to Witnesses, Deposition Designations, and Exhibits contained in the Joint Final Pretrial Order and Counter-Deposition Designations due

July 23, 2012 Joint Final Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict

July 23, 2012 Motions in Limine due

July 23, 2012	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 lsimmons@yahoo.com.
July 23, 2012	Defendants to Identify Trial Witnesses
July 9, 2012	Plaintiff to Identify Trial Witnesses
May 30, 2012	Response to Dispositive Motions (including <i>Daubert</i> 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.
May 25, 2012	Mediation to Be Completed
May 2, 2012 or 80 days after claim construction ruling (whichever is later)	Deadline for filing Dispositive Motions and any other motions that may require a hearing (including <i>Daubert</i> motions)
April 2, 2012 or 65 days after claim construction ruling (whichever is later)	Discovery Deadline
January 20, 2012 or 50 days after claim construction ruling (whichever is later)	Designate Rebuttal Expert Witnesses other than claims construction Rebuttal expert witness report due (Refer to Discovery Order for required information.)
December 23, 2011 or 35 days after claim construction ruling (whichever is later)	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.)

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.

November 23, 2011 or 30 days after claim construction ruling (whichever is later)	Fact discovery deadline
October 19, 2011 or 15 days after claim construction ruling (whichever is later)	Comply with P.R. 3-7 re: willfulness
September 27, 2011	Claim construction hearing 9:00 a.m., Marshall, Texas.
September 16, 2011	Comply with P.R. 4-5(d)
August 19, 2011	Comply with P.R. 4-5(c)
August 12, 2011	Comply with P.R. 4-5(b)
August 11, 2011	Parties to inform court if no disputes concerning privileged documents or information
July 29, 2011	Comply with P.R. 4-5(a)
July 14, 2011	Comply with P.R. 4-4 (Discovery deadline-claims construction issues)
June 14, 2011	Comply with P.R. 4-3
June 13, 2011	Respond to Amended Pleadings
June 3, 2011	Privilege Logs to be exchanged by parties
May 23, 2011	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.)
May 23, 2010	Join Additional Parties
May 16, 2011	Comply with P.R. 4-2
April 25, 2011	Comply with P.R. 4-1
April 1, 2011	Comply with P.R. 3-3 and 3-4
December 1, 2010	Comply with P.R. 3-1 and 3-2

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 25th day of October, 2010.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE