

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
	§	

JOINT MOTION FOR ENTRY OF A DISCOVERY ORDER

Plaintiff Beneficial Innovations, Inc. and Defendants Comcast Corporation, Disney Online, Google Inc., IAC Search & Media, Inc., Morris Communications Company, LLC, NBC Universal, Inc., The New York Times Company, and YouTube, LLC hereby jointly move the Court to enter a Discovery Order in the above-referenced case. In support of their Joint Motion, the parties state:

1. The parties have conferred and have agreed to the provisions of a proposed Discovery Order in the above-referenced case, with the exception of 1) the number of hours of inventor deposition time to be included in paragraphs 5(A) and 5(B) of the attached Discovery Order, and 2) whether the time limit for expert depositions should be counted on a per expert basis or a per expert report basis, in paragraph 5(C). With respect to the number of hours of inventor deposition time, Plaintiff believes that because (i) the inventors have already been deposed for at least 21 hours in the two related matters that involve patents that share the same specification and date of conception, and (ii) the parties to this litigation have agreed that the prior deposition testimony of the inventors may be used in this litigation, Defendants should not

be entitled to any additional deposition time above the seven hour limit for all witnesses. Defendants believe that they are entitled to a collective fourteen hours of deposition time with each named inventor because the instant litigation involves (i) a new patent with claims that are different from the patents in the related litigations, (ii) new defendants that were not named in the related actions, and (iii) a yet unknown number of accused products and asserted claims. Attached at Exhibit 1 is a proposed Discovery Order reflecting the parties' agreements and identifying Plaintiff and Defendants' competing proposals for issues on which they disagree.

2. In light of the fact that no agreement can be reached between the parties as to these two issues, the parties respectfully request that the Court decide those issues and set forth the amount of time for inventor depositions and the manner in which time will be counted for expert depositions. The parties will then submit a revised Discovery Order reflecting the Court's ruling on that issue.

Date: October 29, 2010

Respectfully submitted,

/s/ Violetta G. Watson

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on October 29, 2010.

/s/ Violetta G. Watson
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