

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

BENEFICIAL INNOVATIONS, INC.,

Plaintiff,

v.

CAREERBUILDER LLC, et al.,

Defendants.

CASE NO. 2:09-CV-175-TJW

**ORDER**

Before the Court is Disney Online, IAC Search & Media, Inc. and Beneficial Innovations, Inc.'s Joint Motion to Modify the Docket Control Order Pursuant to Fed. R. Civ. P. 16(b)(4). Good cause showing, the Court concludes that the Motion should be GRANTED. It is therefore ORDERED that the following schedule of deadlines is in effect until further order of this court:

<b>Date</b>	<b>Description</b>
September 4, 2012	Jury Selection - 9:00 a.m. in <b>Marshall, Texas</b>
August 20, 2012	Final Pretrial Conference - 9:30 a.m. in <b>Marshall, Texas</b>  The parties are ordered to <b>meet and confer</b> on their respective motions in limine and <b>advise the court of any agreements in this regard by 3:00 p.m. the business day before the pretrial conference.</b> 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

Date	Description
	the Verdict
July 23, 2012	Motions in Limine due
July 23, 2012	<b>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings.</b> 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 <a href="mailto:lsimmons@yahoo.com">lsimmons@yahoo.com</a> .
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) <sup>1</sup>  <b>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.</b>
May 25, 2012	Mediation to Be Completed
May 2, 2012 or <b>80</b> 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 <b>65</b> days after claim construction ruling (whichever is later)	Discovery Deadline
January 20, 2012 or <b>50</b> 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	Party with the burden of proof to designate Expert Witnesses other than

<sup>1</sup> 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.

<b>Date</b>	<b>Description</b>
or <b>35</b> days after claim construction ruling (whichever is later)	claims construction Expert witness report due (Refer to Discovery Order for required information.)
November 23, 2011 or <b>30</b> 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., <b>Marshall, Texas.</b>
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 22, 2011	Comply with P.R. 4-4 (Discovery deadline-claims construction issues)
July 1, 2011	Comply with P.R. 4-3
July 1, 2011	Respond to Amended Pleadings
June 17, 2011	Privilege Logs to be exchanged by parties
June 10, 2011	Amend Pleadings <b>(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.)</b>
June 10, 2011	Join Additional Parties

<b>Date</b>	<b>Description</b>
June 3, 2011	Comply with P.R. 4-2
May 20, 2011	Comply with P.R. 4-1
May 13, 2011	Comply with P.R. 3-3 and 3-4