

# EXHIBIT 3

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

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**WIRELESS RECOGNITION  
TECHNOLOGIES LLC,**

**Plaintiff,**

vs.

**A9.COM, INC., AMAZON.COM, INC.,  
GOOGLE INC., NOKIA, INC., and  
RICOH INNOVATIONS, INC.,**

**Defendants.**

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Civil No. 2:10-CV-00364-DF

**[DRAFT] AMENDED DOCKET CONTROL ORDER<sup>1</sup>**

June 2, 2014	Jury Selection 9:00 a.m. in Marshall, Texas (Currently reserved for 4 <sup>th</sup> Trial, if needed) ( <i>originally set for 2:10-cv-578 action</i> )
May 7, 2014	Jury Selection 9:00 a.m. in Marshall, Texas (Currently reserved for 3 <sup>rd</sup> Trial, if needed) ( <i>originally set for 2:10-cv-577 action</i> )
February 3, 2014	Jury Selection 9:00 a.m. in Marshall, Texas (Currently reserved for 2 <sup>nd</sup> Trial, if needed) ( <i>originally set for 2:10-cv-365 action</i> )
December 2, 2013	Jury Selection - 9:00 a.m. in Marshall, Texas (Currently reserved for 1 <sup>st</sup> Trial) ( <i>date originally set for 2:10-cv-364 action</i> )
November 25, 2013	Pretrial Conference <sup>2</sup> -9:00 a.m. in Marshall, Texas

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<sup>1</sup> Based on the commonality between this case (2:10-cv-364) with the other three related case (2:10-cv-365, 2:10-cv-577, and 2:10-cv-578), the parties agree that the schedule for all four cases should be consolidated through discovery and claim construction. However, since this case has already progressed ahead of the other three cases, the parties propose to slightly modify the schedule previously agreed-upon for this case in order to allow the Court to conduct a single Markman hearing for the two related patents-in-suit rather than a separate proceeding for each patent. In particular, the parties propose that for judicial economy, the Court continue the Markman hearing presently set for August 22, 2012, which is directed at only the '287 patent, by approximately 3-4 months in order to provide the parties more time to develop the issues for the '474 patent and hold a single Markman hearing on both patents in early December 2012. This proposed modification to the schedule will not jeopardize the trial settings already set for December 2013 and depending on how the Court decides to structure these cases, the time already allocated for each of the four cases may be utilized for separate trials, to the extent necessary.

November 1, 2013	Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict
November 1, 2013	<b>Motions in <i>Limine</i> due</b> The parties are ordered to meet and confer on their respective motions <i>in limine</i> and advise the court of any agreements in this regard by 1:00 p.m. three business days before the pretrial conference. The parties shall limit their motions <i>in limine</i> 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).
October 28, 2013	<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:lssimmons@yahoo.com">lssimmons@yahoo.com</a> .
August 23, 2013	<b>Response to Dispositive Motions (including <i>Daubert</i> Motions)</b> <sup>3</sup> 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 CV-56.
July 26, 2013	Deadline for Filing Dispositive Motions and any other motions that may require a hearing (including <i>Daubert</i> motions)
July 3, 2013	Defendants to Identify Trial Witnesses
June 19, 2013	Plaintiff to Identify Trial Witnesses
June 7, 2013	Discovery Deadline

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<sup>2</sup> Depending on the number of Defendants that remain at the time of trial in these matters, the number of days these trials will be scheduled for and the allocated time for parties to present their cases, as well as the number of trials (if more than one), will be determined at a time closer to trial, no later than at the pre-trial conference, if not earlier resolved by the pending motions before the Court for consolidation through trial for all cases (2:10-cv-364, 2:10-cv-365, 2:10-cv-577 and 2:10-cv-578)..

<sup>3</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 **14 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.

May 9, 2013	Rebuttal Expert Witness Reports
April 11, 2013	Expert Witness Reports for Parties with Burden of Proof on an Issue
December 5, 2012	Claim Construction Hearing <sup>4</sup> 9:00 am, Marshall, Texas
November 21, 2012	Comply with P.R. 4-5(d)
November 21, 2012	Comply with P.R. 4-5(c)
November 7, 2012	Comply with P.R. 4-5(b)
October 10, 2012	Comply with P.R. 4-5(a)
August 29, 2012	Discovery Deadline – Claim Construction Issues
August 15, 2012	Comply with P.R. 4-3
July 11, 2012	Comply with P.R. 4-2
June 13, 2012	Comply with P.R. 4-1
January 13, 2012	Respond to Amended Pleadings
December 2, 2011	<p><b>Amend Pleadings</b>            (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein.)</p>

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<sup>4</sup> Parties agree that for judicial economy and the convenience of the Court and parties, a single Markman hearing should be conducted for the two related U.S. patents (i.e., USP 7,392,287 and USP 7,856,474), which collectively are involved this case (2:10-cv-364) and the three related cases (2:10-cv-365, 2:10-cv-577, and 2:10-cv-578). Accordingly, the provisions outlined in P.R. 4 (Claim Construction Proceedings) apply to both patents-in-suit and all submissions made in accordance with these patent rules shall be consolidated for all four cases.

September 14, 2012

**Mediation to be completed**

If the parties agree that mediation is an option, the Court will appoint a mediator or the parties will mutually agree upon a mediator. If the parties choose the mediator, they are to inform the Court by letter of the name and address of the mediator. The courtroom deputy will immediately mail out a “mediation packet” to the mediator for the case. The mediator shall be deemed to have agreed to the terms of Court Ordered Mediation Plan of the United States District Court of the Eastern District of Texas by going forth with the mediation. General Order 99-2.

April 20, 2012

Privilege Logs to be exchanged by Parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents)

May 19, 2011

Join Additional Parties

September 23, 2011

Defendants to comply with P.R. 3-3 and 3-4

May 5, 2011

Plaintiff to comply with P.R. 3-1 and 3-2

**LIMITATIONS ON MOTIONS PRACTICE**

**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 decide the question on the submissions or hold a hearing or telephone conference 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 to hear arguments and to determine whether the filing of any motion will be permitted.

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.

### 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 that 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.