

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

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|---------------------------------|---|----------------------------|
| VERTICAL COMPUTER SYSTEMS, INC. | § | |
| | § | |
| V. | § | CIVIL NO. 2:10-CV-490(TJW) |
| | § | |
| INTERWOVEN, INC., ET AL. | § | |

ORDER

Due to the undersigned's pending retirement and the fact that there is currently uncertainty regarding who will take over as Magistrate Judge in the Marshall Division, the Court finds it is unnecessary to hold a status conference. The main reason the Court holds the status conferences in the patent cases is to give the parties a trial setting and a claim construction setting and then allow the parties to announce whether they will consent to the Magistrate Judge. The Court assumes parties will be reluctant to consent to a Magistrate Judge when it is not currently known who that will be,¹ so it would be futile to require the parties to attend a hearing merely for this Court to give the parties a trial setting and claim construction setting. Rather, it is the purpose of this Order to assign the parties that setting.

This case is now set for jury selection on **May 7, 2014** and for a claim construction on **September 4, 2013**. The parties shall submit their proposed docket control and discovery orders to the court on **October 14, 2011**. If the parties are unable to resolve their disagreements concerning these orders, the parties shall submit to the court their competing proposals along with a summary of their disagreements. For purposes of computing the time deadlines under the local patent rules,

¹The Court may, at a later date whenever a new Magistrate Judge is appointed, require the parties to notify the Court whether they will consent to the new Magistrate Judge.

the court deems **October 31, 2011** to be the date of the initial case management conference. As a result, the “Disclosure of Asserted Claims and Infringement Contentions” is due on **October 21, 2011**.

It is so ORDERED.

SIGNED this 15th day of September, 2011.

A handwritten signature in black ink that reads "T. John Ward". The signature is written in a cursive style with a horizontal line underneath it.

T. JOHN WARD
UNITED STATES DISTRICT JUDGE