

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

VERTICAL COMPUTER SYSTEMS, INC.,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 2:10-cv-490
v.	§	
	§	Hon. David Folsom
LG ELECTRONICS MOBILECOMM	§	
U.S.A., INC., LG ELECTRONICS	§	<b>JURY TRIAL DEMANDED</b>
INC., SAMSUNG ELECTRONICS CO.,	§	
LTD., SAMSUNG ELECTRONICS	§	
AMERICA, INC.,	§	
	§	
Defendants.	§	

**DOCKET CONTROL ORDER**

In accordance with the Order (Dkt. 55) dated September 16, 2011, it is therefore ORDERED that the following schedule of deadlines is in effect until further order of this court:

**May 7, 2014** Jury Selection - 9:00 a.m. in Marshall, Texas

**May 6, 2014** Pretrial Conference – 9:00 a.m. in Marshall, Texas

**April 23, 2014** Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict.

**April 16, 2014** **Motions in Limine Due**

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 1:00 p.m. three (3) business days 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).

**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 [lssimmons@yahoo.com](mailto:lssimmons@yahoo.com)

**March 12, 2014**

Defendant to Identify Trial Witnesses

Plaintiff to Identify Trial Witnesses

**February 26, 2014**

Mediation to be completed

**February 19, 2014**

Deadline for filing Dispositive Motions and any other motions that may require a hearing (including *Daubert* motions)

**January 31, 2014**

Discovery Deadline

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60 Days after claim construction ruling  
Designate Rebuttal Expert Witnesses other than claims Construction  
Expert witness report due  
Refer to Discovery Order for required information.

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30 Days after claim construction ruling  
Comply with P.R. 3-7

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30 Days after claim construction ruling 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.

**September 4, 2013**

Claim construction hearing 9:00 a.m., **Marshall, Texas.**

**August 6, 2013**

Comply with P.R. 4-5(d)

**July 19, 2013**

Comply with P.R. 4-5(c).

**June 28, 2013**

Comply with P.R. 4-5(b).

**June 7, 2013**

Comply with P.R. 4-5(a).

**June 3, 2013**

Discovery deadline—claim construction issues

**May 24, 2013**

Comply with P.R. 4-3.

<b>April 26, 2013</b>	Comply with P.R. 4-2.
<b>March 29, 2013</b>	Comply with P.R. 4-1.
<b>March 1, 2013</b>	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).
<b>February 15, 2013</b>	Respond to Amended Pleadings
<b>February 1, 2013</b>	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>
<b>December 18, 2012</b>	Patentee shall limit the number of asserted claims to no more than ten (10) and notify the accused infringer and Court
<b>September 28, 2012</b>	Join Additional Parties
<b>February 15, 2012</b>	Defendants to comply with P.R. 3-3 and 3-4
<b>November 14, 2011</b>	Plaintiff to comply with P.R. 3-1 and 3-2
<b>December 16, 2011</b>	Initial Disclosures due per Discovery Order.

### **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.

**IT IS SO ORDERED.**