

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ESN, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 5:08-cv-20-DF
)	
CISCO SYSTEMS, INC., and)	JURY TRIAL DEMANDED
CISCO-LINKSYS, LLC,)	
)	
Defendants.)	

DEFENDANTS' AGREED MOTION TO MODIFY DOCKET CONTROL ORDER

Defendants Cisco Systems, Inc. and Cisco-Linksys, LLC (collectively "Cisco") move this Court to modify its May 22, 2008 Docket Control Order. Good cause for this request is established because Cisco's trial counsel has a trial scheduled in another matter for the currently scheduled trial date and ESN has requested additional time to conduct fact discovery. Accordingly, Cisco respectfully requests that the Court modify the Docket Control Order as follows:

- (1) Extend the "Deadline for completion of all fact discovery, which shall be at least 90 days before the final pre-trial conference" to November 9, 2009;
- (2) Extend the "Deadline for disclosure of expert testimony on issues for which a party bears the burden of proof" to November 13, 2009;
- (3) Extend the "Deadline for disclosure of rebuttal expert testimony" to December 8, 2009;
- (4) Extend the "Deadline for completion of expert discovery" to January 8, 2010;

(5) Extend the "Deadline for filing dispositive motions, including motions on invalidity and unenforceability, which shall be at least 75 days before initial pretrial conference" to February 19, 2010;

(6) Extend the "Deadline for filing all *Daubert* motions" to February 19, 2010;

(7) Extend the "Deadline for parties to make pretrial disclosures" to April 6, 2010;

(8) Extend the deadline for "ESN to provide to other parties its information for Joint Pretrial Order, Proposed Jury Instructions and Verdict Form" to April 6, 2010;

(9) Extend the deadline for "Cisco to provide to ESN its information for Joint Pretrial Order, Proposed Jury Instructions and Verdict Form" to April 6, 2010;

(10) Extend the deadline for "Parties to file Proposed Joint Pretrial Order, Proposed Jury Instructions, Joint Verdict Form and Motions in Limine" to April 22, 2010;

(11) Move the date for the "Final Pretrial Conference before Judge David Folsom" to May 6, 2010;

(12) Move the date for the "Jury Selection before Judge Folsom" to a date to be determined in May 2010.

Plaintiff has agreed to the relief sought in this motion. A proposed order is provided for the Court's convenience.

DATED: September 29, 2009

Respectfully submitted,

By /s/ Kevin A. Smith

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CERTIFICATE OF SERVICE

I hereby certify that on the date this proof of service is signed below, I served the foregoing:

DEFENDANTS' AGREED MOTION TO MODIFY DOCKET CONTROL ORDER

by email and via the Court's Electronic Filing System to

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