

Step	Action	Rule	Due Date
7	All parties make exchange of proposed terms and claim elements for construction	Patent L.R. 4-1(a)	August 29, 2008
8	ESN shall limit the number of asserted claims to no more than (10) and notify Cisco and the Court		September 8, 2008
9	All parties meet and confer to discuss list of proposed terms and claim elements for construction	Patent L.R. 4-1(b)	September 15, 2008
10	Deadline for early mediation at the Parties' request		
11	All parties make exchange of preliminary claim construction and extrinsic evidence	Patent L.R. 4-2	September 30, 2008
12	All parties meet and confer to discuss preliminary claim construction and extrinsic evidence	Patent L.R. 4-2(c)	October 10, 2008
13	All parties jointly file Joint Claim Construction and Prehearing Statement	Patent L.R. 4-3	October 30, 2008
14	Deadline to join other parties without leave of Court, which shall be at least 60 days before dispositive motions		October 30, 2008
15	Deadline to file amended pleadings without leave of Court		No later than 30 days before dispositive motions are due
16	Completion of Claim Construction discovery	Patent L.R. 4-4	December 5, 2008
17 ¹	ESN files opening claim construction brief	Patent L.R. 4-5(a)	December 22, 2008
18	Cisco files responsive claim construction brief	Patent L.R. 4-5(b)	January 12, 2009
19	ESN files reply brief on claim construction	Patent L.R. 4-5(c)	January 21, 2009

¹ The parties have agreed to discuss modifying the deadlines for claim construction briefs should the claim construction hearing be scheduled beyond February 2009.

Step	Action	Rule	Due Date
20	ONLY WITH LEAVE OF COURT may Cisco file a sur-reply		If allowed: January 28, 2009
21	Parties file Joint Claim Construction Chart	Patent L.R. 4-5(d)	At least 10 days before Claim Construction Hearing
22	Prehearing Conference and technical tutorial if necessary		Day before or day of claim construction hearing
23	Claim Construction Hearing	Patent L.R. 4-6	At least 2 weeks after 20
24	Court's Claim Construction Ruling		On or about (3 weeks after 23) subject to the Court's scheduling and/or use of a technical advisor
25	ESN makes final infringement contentions	Patent L.R. 3-6(a)	On or about 30 days after 24
26	Cisco serves preliminary unenforceability contentions		On or about 40 days after 24
27	Cisco makes document production accompanying preliminary unenforceability contentions		On or about 40 days after 24
28	Cisco makes final invalidity contentions	Patent L.R. 3-6(b)	On or about 50 days after 24
29	Cisco makes disclosure relating to willfulness	Patent L.R. 3-8	On or about 50 days after 24
30	Cisco makes final unenforceability contentions		On or about 60 days after 24
31	Deadline for completion of all fact discovery, which shall be at least 90 days before the final pre-trial conference		On or about 90 days after 24
32	Deadline for disclosure of expert testimony on issues for which a party bears the burden of proof	FRCP 26(a)(2) L.R. CV-26(b)	On or about 90 days after 24

Step	Action	Rule	Due Date
33	Deadline for disclosure of rebuttal expert testimony	FRCP 26(a)(2) L.R. CV-26(b)	On or about 110 days after 24
34	Deadline for late mediation at the Parties' request		TBD by Court
35	Deadline for completion of expert discovery		30 days after rebuttal expert testimony
36	Deadline for objections to other parties' expert witnesses		14 days after 35
37	Deadline for filing dispositive motions, including motions on invalidity and unenforceability, which shall be at least 75 days before initial pretrial conference		At least 75 days before initial pretrial conference
38	Deadline for filing all Daubert motions		Same as 37
39	Deadline for parties to make pretrial disclosures	FRCP 26(a)(3)	At least 30 days before initial pretrial conference
40	ESN to provide to other parties its information for Joint Pretrial Order, Proposed Jury Instructions and Verdict Form		At least 30 days before initial pretrial conference
41	Cisco to provide to ESN its information for Joint Pretrial Order, Proposed Jury Instructions and Verdict Form		At least 30 days before initial pretrial conference
42	Parties to file Proposed Joint Pretrial Order, Proposed Jury Instructions, Joint Verdict Form and Motions in Limine. Prior to initial pretrial conference, parties shall confer with each other regarding the other party's Motions in Limine, deposition designations, and exhibit lists and shall submit to the Court in writing any objections they may have to the other party's Motions in Limine, deposition designations, and exhibits.		
43	Initial Pretrial Conference and hearing on Motions in Limine if required and hearing on objections to deposition designations and exhibits		

Step	Action	Rule	Due Date
44	Final Pretrial Conference before Judge David Folsom		
45	Jury Selection before Judge Folsom		
46	Privilege Logs		August 20, 2008