

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

**MARSHALL & TYLER
DIVISIONS**

DATE: November 8, 2005

JUDGE

LEONARD DAVIS

REPORTER: Shea Sloan

LAW CLERK: Joe Price, Andrea Houston

<p>FORGENT NETWORKS</p> <p>vs.</p> <p>ECHOSTAR COMMUNICATIONS CORP., et al</p>	<p>CIVIL ACTION NO: 2:05-CV-318</p> <p>SCHEDULING CONFERENCE & MOTION HEARING (DKT # 51)</p>
<p>SCIENTIFIC-ATLANTA, INC.</p> <p>vs.</p> <p>MOTOROLA, INC., et al</p>	<p>CIVIL ACTION NO: 6:05-CV-343</p> <p>SCHEDULING CONFERENCE & MOTION HEARING (DKT #7)</p>

ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANTS
<p><u>Case No. 205cv318</u></p> <p>Gregory M Luck Thomas Sankey Mike McLemore Michael Smith Carl Roth Jaime Stephens, Corporate Rep. <i>For Forgent</i></p> <p><u>Case No. 605cv343</u></p> <p>Angela James Deron Dacus <i>For Scientific-Atlanta</i></p>	<p>Melvin Wilcox Charles Barquist Harold McElhinny <i>For Echostar Defendants</i></p> <p>Lance Lee Marsha Mullin Victor Savikas John Crook, Corporate Rep. <i>For Direct TV</i></p> <p>Deron Dacus Trey Yarborough John Howell Angela James <i>For Charter Communications, Inc. & Scientific-Atlanta</i></p> <p>Mike Jones Allen Gardner Brian Erickson Wayne Harding <i>For Motorola, Cox Communications, Comcast, Comcast STB, Time Warner & Cable One</i></p>

On this day, came the parties by their attorneys and the following proceedings were had:

DAVID J. MALAND, CLERK

FILED: 11/8/2005

BY: Rosa L. Ferguson, Courtroom Deputy

OPEN: 9:29 am

ADJOURN: 10:08 am

TIME:	MINUTES:
9:29 am	Case called. Mr. Sankey, Mr. Luck, Mr. McLemore and Mr. Smith announced ready for plaintiff (Forgent) in Marshall Case. Mr. Wilcox, Mr. Barquist, Mr. McIhinney for Echostar Defendants; Mr. Dacus, Ms. James announced ready for Cable Dfts (Charter, Cox, Comcast & Time Warner); Mr. Lee, Mr. Savikas, Ms. Mullin, Mr. Crook for Direct TV; Mr. Jones, Mr. Erickson, Mr. Harding & Mr. Gardner for Motorola, Cox, Comcast, Comcast STB, Time Warner & Cable One. Mr. Yarbrough & Mr. Howell announced ready - they are w/Mr. Dacus' group.
9:31 am	Tyler case – same announcements
9:31 am	Court addressed the parties on the Motion to Consolidate and Motion to Transfer
9:31 am	Mr. Dacus presented Motion to Consolidate Cases and Motion to on behalf of Scientific-Atlanta (Case No. 605cv343 - Dkt #51).
9:35 am	Mr. Sankey responded and presented Motion to Consolidate and Transfer (Case No. 605cv343 - DKt #7)
9:38 am	Court orders Tyler case be transferred and consolidated with Marshall case.
9:38 am	Court and parties discussed proposed Docket Control Order (DCO). The trial date of 2/7/07 okay with plaintiff. Mr. Barquist has a conflict with that date. Mr. Howell also has a conflict. Court will keep date as is..
9:40 am	Court and parties discussed Markman date in July of 06.
9:40 am	Court and parties discussed Discovery Order and DCO. Mr. Luck addressed the Court on number of interrogatories and requested and proposed 35 interrog to cable & satellite defendants as a side, additional 25 as to each defendant, 25 as to DJ plaintiffs, 25 for each DJ plaintiff. Mr. Luck outlined the specific proposals. Mr. Barquist responded and they are comfortable with the 60 per side, as the Court proposed. Mr. Barquist proposes 25 common interrogatories, plus 15 per defendant group. Mr. Luck responded and proposed a compromise and proposed 120 interrogatories. Mr. Barquist would accept 120 collectively.
9:50 am	Court asked that plaintiff to prepare the orders in the Court's forms. Mr. Luck addressed the Court on 30(b)(6) depositions. Mr. Barquist responded and they propose 14 hours of 30(b)(6) for each defendant – 9 parties, plus 140 hours of deposition time for all non-expert depositions for a total – 266 hours. Mr. Luck responded and proffered his compromise. Court will allow 21 hours on 30(b)(6) depositions and 140 hours .
9:54 am	Mr. Luck made his proposal on experts. Mr. Barquist responded and requested 16 experts. Mr. Luck responded. Court will go with 5 experts for plaintiff and 10 for the defendants collectively and Court is open to expanding or retracting them.
9:57 am	Mr. Luck addressed the Court on duration of hours on expert discovery. Mr. Barquist responded and outlined their proposal. Court will allow 6 hours of common and 2 other hours.

TIME:	MINUTES:
10:01 am	Mr. Luck addressed the Court on the disclosures. Mr. Barquist requested the 45 days to the infringement contentions to the invalidity contentions. Mr. Luck responded. Court will go with plaintiff and keep case on track.
10:03 am	Mr. Luck addressed the Court on the protective order. Mr. Barquist responded and there is one remaining issue on lower-level confidentiality and limit to lawyers and officers of the Court. Mr. Luck responded. Court agrees with plaintiff on that issue.
10:04 am	Court and parties discussed time for trial. Mr. Luck estimates 2 weeks to try case. Mr. Barquist responded and they propose more than 2 weeks. Court will put down for 10 days of trial time.
10:05 am	Court and parties discussed mediators. Mr. Barquist proposed Mike Patterson and Mr. Luck proposed Harlan Martin. Court will appoint former US Magistrate Robert Faulkner in Dallas.
10:07 am	Mr. Barquist addressed the Court on the proposed orders.
10:07 am	Mr. Jones addressed the Court and asked for clarification on the Tyler case being transferred to Marshall and all dates applying. Court indicated that all the dates would apply to the Tyler case.
10:07 am	Court addressed the parties and admonished the parties to compromise and work together.
10:08 am	There being nothing further, Court adjourned.