

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MIRROR WORLDS, LLC

Plaintiff,

v.

APPLE, INC.

Defendant.

Civil Action No. 6:08-CV-88 LED

JURY TRIAL DEMANDED

APPLE, INC.

Counterclaim Plaintiff,

v.

MIRROR WORLDS, LLC, MIRROR
WORLDS, TECHNOLOGIES, INC.

Counterclaim Defendants.

UNOPPOSED MOTION TO AMEND THE AMENDED DOCKET CONTROL ORDER

Plaintiff Mirror Worlds, LLC (“Mirror Worlds”) and Counterclaim Defendant Mirror Worlds Technologies, Inc. (“MWT”) hereby move to amend the Docket Control Order. In support, Mirror Worlds and MWT will show the following.

The Docket Control Order (D.E. 32) entered September 18, 2009 and amended by the Order Granting Unopposed Motion to Amend the Docket Control Order (D.E. 183) entered April 2, 2010, sets the following deadlines:

May 13, 2010	Parties with burden of proof designate expert witnesses (non-construction issues). Expert witness reports due. Refer to Local Rules for required information.
May 31, 2010	Parties designate rebuttal expert witnesses (non-construction issues), Rebuttal expert witness reports due. Refer to Local Rules for required information.
June 10, 2010	Discovery Deadline (both fact and expert).
June 11, 2010	Parties to Identify Trial Witnesses; Amend Pleadings (after <i>Markman</i> Hearing). It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the deadline. However, except as provided in Patent Rule 3-6, if the amendment would effect infringement contentions or invalidity contentions, a motion must be made pursuant to Patent Rule 3-6 irrespective of whether the amendment is made prior to this deadline.
June 15, 2010	Parties to Identify Rebuttal Trial Witnesses
June 18, 2010	Dispositive Motions due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions) due. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances.</u>
July 9, 2010	Response to Dispositive Motions (including <i>Daubert</i> motions) due. Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> motions, shall be due in accordance with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances.</u>
July 23, 2010	Joint Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials due. Proposed Findings of Fact and Conclusions of Law with citation to authority for issues tried to the bench. Notice of Request for Daily Transcript or Real

	<p>Time Reporting of Court Proceedings due. If a daily transcript or real time reporting of court Joint Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials due. Proposed Findings of Fact and Conclusions of Law with citation to authority for issues tried to the bench.</p> <p>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings due. If a daily transcript or real time reporting of court proceedings is requested for trial or hearings, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Shea Sloan, at shea_sloan@txed.uscourts.gov.</p>
July 26, 2010	<p>Pretrial Disclosures due.</p> <p>Video and Stenographic Deposition Designation due. Each party who proposes to offer deposition testimony shall file a disclosure identifying the line and page numbers to be offered.</p>
August 9, 2010	<p>Rebuttal Designations and Objections to Deposition Testimony due. Cross examination line and page numbers to be included. In video depositions, each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections.</p>
August 16, 2010	<p>Objections to Rebuttal Deposition Testimony due.</p>

Accordingly, Mirror Worlds and MWT request that the Court modify the Docket Control

Order as follows:

Original Deadline	Amended Deadline	Docket Control Order Item
May 13, 2010	May 20, 2010	Parties with burden of proof designate expert witnesses (non-construction issues). Expert witness reports due. Refer to Local Rules for required information.
May 31, 2010	June 4, 2010	Parties designate rebuttal expert witnesses (non-construction issues), Rebuttal expert witness reports due. Refer to Local Rules for required information.
June 10, 2010	June 14, 2010	Discovery Deadline (both fact and expert).
June 11, 2010	June 16, 2010	Parties to Identify Trial Witnesses; Amend Pleadings (after <i>Markman</i> Hearing). It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the deadline. However, except as provided in Patent Rule 3-6, if the amendment would effect infringement contentions or invalidity contentions, a motion must be made pursuant to Patent Rule 3-6 irrespective of whether the amendment is made prior to this deadline.
June 15, 2010	June 21, 2010	Parties to Identify Rebuttal Trial Witnesses
June 18, 2010	July 1, 2010	Dispositive Motions due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions) due. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances.</u>
July 9, 2010	July 21, 2010	Response to Dispositive Motions (including <i>Daubert</i> motions) due. Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> motions, shall be due in accordance with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances.</u>
July 23, 2010	August 2, 2010	Joint Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials due. Proposed Findings of Fact and Conclusions of Law with citation to authority for issues tried

		<p>to the bench.</p> <p>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings due. If a daily transcript or real time reporting of court Joint Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials due. Proposed Findings of Fact and Conclusions of Law with citation to authority for issues tried to the bench.</p> <p>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings due. If a daily transcript or real time reporting of court proceedings is requested for trial or hearings, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Shea Sloan, at shea_sloan@txed.uscourts.gov.</p>
July 26, 2010	August 5, 2010	<p>Pretrial Disclosures due.</p> <p>Video and Stenographic Deposition Designation due. Each party who proposes to offer deposition testimony shall file a disclosure identifying the line and page numbers to be offered.</p>
August 9, 2010	August 12, 2010	<p>Rebuttal Designations and Objections to Deposition Testimony due. Cross examination line and page numbers to be included. In video depositions, each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections.</p>
August 16, 2010	August 17, 2010	<p>Objections to Rebuttal Deposition Testimony due.</p>

Subsequent dates in the Docket Control Order are unaffected.

Apple does not oppose this Motion.

This extension is not sought for purposes of delay.

WHEREFORE, Mirror Worlds and MWT respectfully request the Court to amend the Docket Control Order as set forth herein.

Dated: May 11, 2010

Respectfully submitted,
By: /s/ Alexander Solo
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CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Mirror Worlds and MWT has satisfied the “meet and confer” requirements of Local Rule CV-7(h), and that counsel of record in this matter are not opposed to the relief sought in this Motion.

/s/ Alexander Solo
Alexander Solo

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document this 11th day of May, 2010, via the Court’s CM/ECF system per Local Rule CV-5(a)(3).

/s/ Alexander Solo