

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

BEDROCK COMPUTER
TECHNOLOGIES, LLC

Plaintiff,

vs.

SOFTLAYER TECHNOLOGIES, INC.,
et al.

Defendants.

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CASE NO. 6:09-CV-269
PATENT CASE

ORDER

Before the Court are the parties’ Joint Motion for Entry of Docket Control and Discovery Orders (Docket No. 106) and Joint Motion for Protective Order (Docket No. 165).

Having considered the parties’ positions, it is **ORDERED** that:

(1) The Court adopts Plaintiff’s proposal regarding reply expert reports.

(2) The deadline to comply with P.R. 3-3 and 3-4 is February 8, 2010.

(3) Plaintiff shall be entitled to take up to 300 hours of deposition testimony of the Defendants (including 30(b)(6) depositions and depositions of employees and officers), but Plaintiff may take no more than 30 hours of deposition testimony of a single Defendant. Each Defendant shall be entitled to take up to 18 hours of deposition testimony of Plaintiff (including 30(b)(6) depositions and depositions of employees and officers). Either party may petition the Court for additional hours upon a showing of good cause.

(4) The deposition of any of the Plaintiff’s or Defendants’ experts who are designated to testify with respect to or on behalf of multiple defendants shall be limited to 5 hours with an additional 3 hours for each individual defendant as to which the expert offers testimony, not to

exceed 21 hours.

(5) The Court declines to adopt Defendants' proposal regarding electronic discovery and production.

(6) The Court adopts Plaintiff's proposal regarding the availability of source code.

(7) The Court adopts Plaintiff's proposal regarding the production of source code.

In addition, as the parties did not submit the name and address of an agreed mediator, it is **ORDERED** that Former Magistrate Judge Robert Faulkner, JAMS, 8401 North Central Expressway, Suite 610, Dallas, Texas 75225, (214) 744-5267, (214) 720-6010 (Fax) is appointed as mediator in this case. Mediation shall be conducted in accordance with the Court-Annexed Mediation Plan. *See* Appendix H to Local Rules, available on the Court's website at www.txed.uscourts.gov.

It is further **ORDERED** that the parties re-file their Joint Motion for Entry of Docket and Discovery Orders and Joint Motion for Protective Order in accordance with the rulings made by the Court as reflected in this Order.

So ORDERED and SIGNED this 26th day of January, 2010.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE