

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

**BEDROCK COMPUTER
TECHNOLOGIES LLC,**

Plaintiff,

v.

**SOFTLAYER TECHNOLOGIES, INC.,
et al.**

Defendants.

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CASE NO. 6:09-cv-269

Jury Trial Demanded

**BEDROCK’S OPPOSED MOTION
TO SET A CASE MANAGEMENT CONFERENCE**

Plaintiff Bedrock Computer Technologies LLC (“Bedrock”) respectfully requests the Court to set a case management conference to address some of the discovery disputes pending before the Court.¹ Currently, the following motions are before the Court:

<u>Dkt. No.</u>	<u>Motion</u>
210	Bedrock’s Sealed Motion to Compel From Google a Complete Response to Bedrock’s Third Interrogatory and Production of Google’s Source Code
246	Bedrock’s Sealed Motion to Compel from Google and Match.com a Complete Response to Bedrock’s Fifth Interrogatory
270	Bedrock’s Sealed Motion to Compel from AOL and MySpace a Complete Response to Bedrock’s Fourth Interrogatory
271	Bedrock’s Sealed Motion to Compel Production of Documents from MySpace

A common issue to these motions is whether the discovery sought by Bedrock is relevant. Indeed, Defendants AOL and MySpace make the same arguments and cite the same law in advocating their relevance objections as did Google and Match.com. Further, Bedrock expects

¹ During the parties’ collaboration of the Joint Claim Construction Statement, Bedrock drafted its section to include requests for hearings on its outstanding motions. The Defendants—without

other Defendants to make these same relevance objections/arguments in refusing Bedrock discovery. Bedrock requests this case management conference as an alternative to burdening the Court with future, duplicative motions regarding the scope of discovery in the District. Bedrock further requests this case management conference because, if Bedrock is forced into motions practice to obtain every incremental piece of discovery from the Defendants, Bedrock will be severely prejudiced in getting the totality of the discovery it needs to prepare its case for trial as scheduled, which is April 11, 2011.

For the foregoing reasons, Bedrock respectfully requests that the Court set a case management hearing for October 7, 2010, which is the same date as the *Markman* hearing in this case.

Bedrock's permission—altered Bedrock's section and removed this request.

DATED: September 14, 2010

Respectfully submitted,
McKOOL SMITH, P.C.

/s/ Douglas A. Cawley

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**ATTORNEYS FOR PLAINTIFF
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TECHNOLOGIES LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served on counsel of record via email on September 14, 2010.

/s/ J. Austin Curry

J. Austin Curry

CERTIFICATE OF CONFERENCE

On September 13, 2010, counsel for Bedrock sent a draft of this motion to counsel for each Defendant and asked if they would consent to or oppose the motion. All Defendants responded on September 14, 2010 that they oppose the motion. Counsel for Softlayer, Amazon, and Yahoo opposed the motion primarily because they believe that a case management conference is unnecessary as to their clients, and counsel for Google, Match.com, MySpace, and AOL oppose the motion primarily because they take issue with the reasons that Bedrock gives in this motion for needing a case management conference. Discussions have conclusively ended in impasse, leaving an open issue for the Court to resolve.

/s/ J. Austin Curry

J. Austin Curry