

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

**BEDROCK COMPUTER,  
TECHNOLOGIES, LLC**

v.

**SOFTLAYER TECHNOLOGIES,  
INC., ET AL.**

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**No. 6:09-cv-269 LED-JDL**

**JURY DEMANDED**

**ORDER OF CLARIFICATION**

As a point of clarification, the Order issued by the Honorable Judge Leonard Davis on September 27, 2010 (Doc. No. 304) still stands.

In conjunction with the Claim Construction arguments to be heard on October 7, 2010 at 1:30 p.m., the Court will hear: Plaintiff's Motion to Compel Complete Response to Third Interrogatory From Google (Doc. No. 210); Match.com's Motion to Compel Bedrock to Remove the Confidentiality Designation of Bedrock's Second Supplemental Response to Match.com's Interrogatory No. 1 (Doc. No. 217) ; Plaintiff's Motion to Compel from Google and Match.com A Complete Response to Bedrock's Fifth Interrogatory (Doc. No. 246) ;Defendants' Motion to Compel A Complete Response to Their Sixth Interrogatories (Doc. No. 259); Defendants' Motion to Compel Non-Privileged Testimony and Documents From Lotvin and Bedrock's Request for In-Camera Review of Non-Privileged Documents (Doc. No. 263); Plaintiff's Motion to Compel From AOL and MySpace A Complete Response to Bedrock's Fourth Interrogatory (Doc. No. 270); and Plaintiff's Motion to Compel Documents From Myspace (Doc. No. 271).

However, pursuant to Judge Davis' Order, *lead trial and local counsel* are expected to meet and confer as to each of these pending motions. The parties shall notify the Court of the results of

the meet and confer by 5 p.m. on October 4, 2010.

The parties should note that the hearing on October 7, 2010 will last no more than 3.5 hours (1:30 p.m. - 5 p.m.). As a result, the parties are encouraged to reach an agreement regarding the above stated motions. Any motions the parties have not agreed to by October 4, 2010 will be heard on October 7, 2010 prior to any arguments regarding claim construction. Consequently, any time used to argue any of the above discovery motions will subtract from the parties' time to argue claim construction. Therefore, the parties should prioritize and limit their claim construction arguments to those most important and be prepared to argue such prioritized terms first.

Defendants' Motion for Summary Judgment of Indefiniteness as to Claims 1, 2, 5, and 6 of U.S. Patent No. 5,893,120 (Doc. No. 283) will be heard, time permitting.

**So ORDERED and SIGNED this 30th day of September, 2010.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE