

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

EOLAS	TECHNOLOGIES	§	
INCORPORATED,		§	
		§	
PLAINTIFF,		§	Civil Action No. 6:09-CV-446-LED
		§	
v.		§	
		§	
ADOBE SYSTEMS INC., et al.,		§	JURY TRIAL DEMANDED
		§	
DEFENDANTS.		§	
		§	

DOCKET CONTROL ORDER

DESCRIPTION OF EVENT	PROPOSED DATE
Hearing re: Motion for Reconsideration and Motion for Leave to Amend Complaint to Add UC Regents	September 21, 2011
Summary Judgment / Daubert Briefing	
Surreply to Go Daddy's MSJ MSFT License (Dkt. No. 790)	September 16, 2011
Responses to Motions for Summary Judgment (Dkt. Nos. 869, 870, 873, 874, 876, 877)	September 28, 2011
Replies in support of Motions for Summary Judgment (Dkt. Nos. 869, 870, 873, 874, 876, 877)	October 10, 2011
Surreplies to Motions for Summary Judgment (Dkt. Nos. 869, 870, 873, 874, 876, 877)	October 20, 2011
Responses to Previously-filed Daubert Motions (Dkt. Nos. 901, 902, 903, 904, 905, 906, 907, 930)	October 5, 2011
Replies in support of Previously-filed Daubert Motions (Dkt. Nos. 901, 902, 903, 904, 905, 906, 907, 930)	October 17, 2011

DESCRIPTION OF EVENT	PROPOSED DATE
Surreplies to Previously-filed Daubert Motions (Dkt. Nos. 901, 902, 903, 904, 905, 906, 907, 930) ¹	October 27, 2011
Proposed Hearing re: Summary Judgment and Daubert Motions²	November 17, 2011
Amendment Pursuant to Patent Rule 3-6³	
Amended infringement contentions and expert reports pursuant to Local Patent Rule 3.6(a)(1)	October 6, 2011
Amended invalidity contentions and expert reports pursuant to Local Patent Rule 3.6(a)(2)	October 27, 2011
Rebuttal Expert Reports (excluding Frito-Lay)	November 15, 2011
Motions to Strike and Dauberts limited to amended infringement and invalidity contentions and expert reports, rebuttal expert reports, and Citigroup damages expert report	December 8, 2011
Oppositions to Motions to Strike and Dauberts re: amended contentions and expert reports, rebuttal expert reports, and Citigroup damages expert report	December 22, 2011
Replies in support of Motions to Strike and Dauberts re: amended contentions and expert reports, rebuttal expert reports and Citigroup damages report due	January 6, 2012

¹ Eolas proposes that this date also apply to surreplies for previously-filed Motions to Strike Dkt. Nos. 860, 861, 868. Defendants propose that these Motions to Strike be resolved during the September 21, 2011 hearing. (*See* Septemeber 14, 2011 letter to Judge Davis). The parties agree to abide by the Court's decision as to the disposition of these Motions.

² Defendants propose this hearing. However, Defendants and Eolas leave it to the discretion of the Court whether the Court would like oral argument on these motions at this time.

³ By agreeing to this schedule, Defendants are not agreeing that any proposed revision is proper and reserves the right to oppose any revision or supplementation.

DESCRIPTION OF EVENT	PROPOSED DATE
Surreplies to Motions to Strike and Dauberts re: amended contentions and expert reports, rebuttal expert reports and Citigroup damages report	January 13, 2012
Proposed hearing on Dauberts and Motions to Strike re: amended infringement and invalidity contentions, rebuttal expert reports (all Defs), and Summary Judgment (Frito-Lay only)⁴	January 19, 2012 (coinciding with Pre-Trial Conference)
Eolas v. Frito-Lay Only	
Amend pleadings (after Markman Hearing) (as to Eolas v. Frito-Lay only)	October 14, 2011
Fact discovery cutoff (as to Eolas v. Frito-Lay only)	November 9, 2011
Parties with burden of proof designate expert, expert reports due (as to Eolas v. Frito-Lay only)	November 16, 2011
Rebuttal expert reports and identify rebuttal trial witnesses (as to Eolas v. Frito-Lay only)	December 16, 2011
Dispositive motions due (including <i>Daubert</i> motions)(as to Eolas v. Frito-Lay only)	December 23, 2011
Response to dispositive motions due (including <i>Daubert</i> motions)(as to Eolas v. Frito-Lay only)	January 6, 2012
Replies to dispositive motions due (including <i>Daubert</i> motions)(as to Eolas v. Frito-Lay only)	January 13, 2012
Sur-replies to dispositive motions due (including <i>Daubert</i> motions)(as to Eolas v. Frito-Lay only)	January 17, 2012

⁴ Defendants propose this hearing. However, Defendants and Eolas leave it to the discretion of the Court whether the Court would like oral argument on these motions at this time.

DESCRIPTION OF EVENT	PROPOSED DATE
Pretrial Tasks	
Video and Stenographic Deposition Designations due Each party who proposes to offer deposition testimony shall file a disclosure identifying the line and page numbers to be offered.	December 21, 2011
Parties to exchange exhibit lists in .doc or .xls format.	December 21, 2011
Parties to identify any issues to be tried to the bench.	December 21, 2011
Parties to exchange electronic copies of numbered trial exhibits	January 5, 2012
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.	January 5, 2012
Motions <i>in Limine</i> due. The parties are directed to meet and confer and attempt to resolve all limine issues before filing any motions in limine.	January 6, 2012
Parties to file estimates of the amount of time they request at jury selection and trial for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.	January 9, 2012
Joint Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials due.	January 9, 2012

DESCRIPTION OF EVENT	PROPOSED DATE
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.	January 12, 2012
Proposed Findings of Fact and Conclusions of Law with citation to authority for issues tried to the bench.	January 12, 2012
Objections to exhibits due	January 12, 2012
Objections to Rebuttal Deposition Testimony due.	January 12, 2012
Responses to Motions in Limine due.	January 13, 2012
Pretrial Conference	January 19, 2012
Jury Selection	February 6, 2012