

Defendants' damages report up to and including December 21, 2012.

The proposed modifications are necessary to allow sufficient time for Defendants' expert to respond to Plaintiff's expert report on damages and to permit the parties to complete the depositions of both parties' damages experts. With the exception of the dates above, all other dates currently specified by the Docket Control Order would remain unchanged, with the relevant pre-trial and trial dates unaffected. Accordingly, Defendants respectfully request that the Court enter the attached proposed Order effecting the above modifications.

Dated: November 2, 2012

Respectfully submitted

By /s/ Eric H. Findlay
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and EXEDEA, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that on November 2, 2012, the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(b)(1).

/s/ Eric H. Findlay
Eric H. Findlay

CERTIFICATE OF CONFERENCE

I hereby certify that on November 2, 2012, counsel for Defendants conferred with Ajeet Pai, counsel for Plaintiff, regarding this motion. Counsel for Plaintiff stated that Plaintiff does not oppose the motion.

/s/ Eric H. Findlay
Eric H. Findlay