

HOLME ROBERTS & OWEN LLP
 Scott R. Bialecki (*Pro Hac Vice*)
 scott.bialecki@hro.com
 Roger R. Myers (*Pro Hac Vice*)
 roger.myers@hro.com
 George M. Haley, #1302
 george.haley@hro.com
 Blaine J. Benard, #5661
 blaine.benard@hro.com
 Craig Buschmann, #10696
 craig.buschmann@hro.com
 299 South Main Street, Suite 1800
 Salt Lake City, UT 84111-2263
 Telephone: (801) 521-5800
 Facsimile: (801) 521-9639

Attorneys for Plaintiff GOOGLE INC.

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

<p>GOOGLE INC., a Delaware corporation,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>BLOOSKY INTERACTIVE, LLC, a Nevada limited liability company, and DOES 2-50,</p> <p style="text-align: center;">Defendant.</p>	<p>ATTORNEYS' PLANNING MEETING REPORT</p> <p>Case No. 09-cv-1068-BSJ</p> <p>District Judge Bruce S. Jenkins</p>
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1. PRELIMINARY MATTERS:

- a. The nature of the claims and affirmative defenses is:

Plaintiff: In its Complaint, Plaintiff Google Inc. ("Google") has asserted willful trademark infringement of federally registered trademarks and service marks, federal unfair competition, false designation of origin and federal dilution by tarnishment in violation of the Lanham Act; violation of Anti-Cybersquatting Consumer Protection Act (Cyberpiracy); violations of the Utah Unfair Competition Act and Utah Consumer Sales Practices Act; and trademark dilution, trademark infringement and unfair competition under Utah state law based on Bloosky's alleged infringing use of Google's trademarks.

Google reserves its right to amend its Complaint to add additional parties and/or claim as additional information becomes available to Google.

Defendant: At this time Bloosky Interactive, LLC (“Bloosky”) has not filed a responsive pleading to Google’s Amended Complaint. Bloosky is continuing its investigation of claims currently asserted. Accordingly, Bloosky reserves its right to assert any available claims and/or defenses.

- b. This case is not referred to a magistrate judge
 referred to magistrate judge _____
 under 636(b)(1)(A)
 under 636(b)(1)(B)
 assigned to a magistrate judge under General Order 07-001 and
 all parties consent to the assignment for all proceedings
or
 one or more parties request reassignment to a district
judge
- c. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on *June 29, 2010* by telephone.
The following were in attendance:
Scott Bialecki of Holme Roberts & Owen LLP,
counsel for Plaintiff Google Inc,
Greg Christiansen of Christiansen & Jackson, P.C.,
counsel for Defendant Bloosky Interactive, LLC.
- d. The parties _____ request / do not request an initial pretrial scheduling conference with the court prior to entry of the scheduling order.
- e. The parties _____ have exchanged or will exchange by July 2, 2010 the initial disclosures required by Rule 26(a)(1).
- f. Pursuant to Fed. R. Civ. P. 5(b)(2)(D), the parties agree to receive all items required to be served under Fed.R.Civ.P. 5(a) by either (i) notice of electronic filing, or (ii) e-mail transmission. Such electronic service will constitute service

and notice of entry as required by those rules. Any right to service by USPS mail is waived.

2. **DISCOVERY PLAN:** The parties jointly propose to the court the following discovery plan: *Use separate paragraphs or subparagraphs as necessary if the parties disagree.*

Plaintiff's Complaint has fifty John Does. At this time Bloosky has not filed a responsive pleading to Google's Amended Complaint. Bloosky is continuing its investigation of claims currently asserted. Accordingly, Bloosky reserves its right to assert any available claims and/or defenses. The Parties reserve the right to amend this discovery plan as further information becomes available and/or other parties are identified.

a. Discovery is necessary on the following subjects: The parties anticipate discovery relating to the alleged use of Google's trademarks by Bloosky and others and damages (*i.e.*, all issues raised in the Complaint). The Parties also anticipate discovery relating to Google's claims, Bloosky's answer and defenses to Google's claims, and any potential claims asserted by Bloosky.

b. Discovery Phases.

Specify whether discovery will (i) be conducted in phases, or (ii) be limited to or focused upon particular issues. If (ii), specify those issues and whether discovery will be accelerated with regard to any of them and the date(s) on which such early discovery will be completed.

Discovery will not be conducted in phases nor will particular issues be focused upon.

c. Designate the discovery methods to be used and the limitations to be imposed.

(1) *For oral exam depositions, (i) specify the maximum number for the plaintiff(s) and the defendant(s), and (ii) indicate the maximum number of hours unless extended by agreement of the parties.*

Oral Exam Depositions

Plaintiff(s) 20

Defendant(s) 20

The Parties reserve the right to amend this deposition limitation as further information becomes available and/or other parties are identified.

Maximum no. hrs. per deposition: 7 hrs except for Rule 30(b)(6), which will be 7 hrs per designee

- (2) *For interrogatories, requests for admissions, and requests for production of documents, specify the maximum number that will be served on any party by any other party.*

Interrogatories 40

Admissions No limit

Requests for production of documents 50

- (3) *Other discovery methods: Specify any other methods that will be used and any limitations to which all parties agree.* In addition to the foregoing, Plaintiff may issue additional third party subpoenas. Defendant Bloosky may also issue additional third-party subpoenas.

- d. Discovery of electronically stored information should be handled as follows: *Brief description of parties' agreement.*

Plaintiff: TIFF files with load files for Concordance.

Defendant: Bloosky may be unable to provide electronically stored information (ESI) in TIFF format for Concordance. Defendant will confer further with Plaintiff toward a stipulation for production of ESI to be filed within 30 days of the filing of this report.

- e. The parties have agreed to an order regarding claims of privilege or protection as trial preparation material asserted after production, as follows: *Brief description of provisions of proposed order.*

A two tiered Protective Order was entered on May 28, 2010 between Google and Defendant Pacific Webworks. Bloosky reserves the right to seek to modify the existing Protective Order or move for a new protective order, if necessary.

3. AMENDMENT OF PLEADINGS AND ADDITION OF PARTIES:

Plaintiff has named 50 John Does in this action. Bloosky states it may assert potential cross-claims and/or counter-claims against Google and/or other third parties. The Parties agree to the following schedule as it pertains to the current parties.

a. The cutoff dates for filing a motion to amend pleadings are:

Plaintiff(s) 9/30/2010 Defendant(s) 9/30/2010

b. The cutoff dates for filing a motion to join additional parties are:

Plaintiff(s) 9/30/2010 Defendants(s) 9/30/2010

(NOTE: Establishing cutoff dates for filing motions does not relieve counsel from the requirements of Fed.R.Civ.P. 15(a)).

4. EXPERT REPORTS:

a. Reports from experts under Rule 26(a)(2) will be submitted on:

Plaintiff(s) 3/1/11

Defendant(s) 3/1/11

Counter reports 4/1/11

5. OTHER DEADLINES:

a. Discovery cutoff: Fact 2/1/11 Expert 4/22/11

b. (optional) Final date for supplementation of disclosures under Rule 26 (a)(3) and of discovery under Rule 26 (e) ___/___/___

c. Deadline for filing dispositive or potentially dispositive motions and Daubert motions is 5/31/11.

6. ADR/SETTLEMENT:

Use separate paragraphs/subparagraphs as necessary if the parties disagree.

a. The potential for resolution before trial is: ___ good x fair ___ poor

b. This case should be referred to the court's alternative dispute resolution program for arbitration: _____ mediation: x

c. The case should be re-evaluated for settlement/ADR resolution on: 12/1/10

7. TRIAL AND PREPARATION FOR TRIAL:

- a. The parties should have _____ days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3) (if different than 14 days provided by Rule).
- b. This case should be ready for trial by: *9/1/11*
Specify type of trial: Jury
- c. The estimated length of the trial is: 5 full trial days

/s/ Scott R. Bialecki Date: 06/29/10
Signature and typed name of Plaintiff(s) Attorney

/s/ Greg Christiansen Date: 06/29/10
Signature and typed name of Defendant(s) Attorney

Respectfully submitted this 29th day of June 2010

By: /s/ Scott R. Bialecki
HOLME ROBERTS & OWEN LLP
Scott R. Bialecki (*Pro Hac Vice*)
Roger R. Myers (*Pro Hac Vice*)
George M. Haley, #1302
Blaine J. Benard, #5661
Craig Buschmann, #10696

Attorneys for Plaintiff Google Inc.

By: /s/Greg Christiansen
CHRISTIANSEN & JACKSON, P.C.
Greg Christiansen, #10755

Attorneys for Defendant Bloosky Interactive, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June, 2010, I caused a true and correct copy of the **ATTORNEYS' PLANNING MEETING REPORT** to be served as follows:

Blair R. Jackson, Esq.
Greg Christiansen, Esq.
Christiansen & Jackson, P.C.
10421 S. Jordan Gateway, Suite 600
South Jordan, UT 84095

U.S. Mail, postage prepaid
 Hand Delivery
 Facsimile
 Overnight courier
 E-Mail and/or CM/ECF

By: /s/ Paul S. Cha