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BASCOM RESEARCH, LLC

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

BASCOM RESEARCH, LLC, a Virginia Limited Liability Company,

Plaintiff,

v.

FACEBOOK, INC., a Delaware Corporation,

Defendant.

Case No.: 3:12-cv-06293-SI

PLAINTIFF BASCOM RESEARCH, LLC'S CASE MANAGEMENT STATEMENT

Date: June 27, 2013
Time: 3:30 p.m.
Dept.: Courtroom 10
Judge: Honorable Susan Illston

Date Filed: October 3, 2012
Trial Date: None Set

Pursuant to Civil Local Rule 16-10(d), Plaintiff Bascom Research, LLC ("Bascom") submits this Case Management Statement in advance of the Case Management Conference scheduled for June 27, 2013 with Defendant Facebook, Inc. ("Facebook"). The parties are currently in the midst of discovery and the claim construction process. With regard to discovery, both parties have outstanding disputes, generally addressed below. With regard to the claim construction process, the parties are proceeding according to the Court's modified schedule set on May 10, 2013. Bascom's proposal for the remainder of the case is provided below.

Due to a misunderstanding between the parties, Facebook informed Bascom that it intends to file a separate Case Management Statement rather than a Joint Case Management Statement with Bascom. It appears that Facebook is attempting to morph the upcoming Case Management Conference into a premature discovery hearing. Bascom has not seen the version Facebook intends to file as its Case Management Statement and, therefore, is not attempting to address Facebook's allegations.

I. UPDATES SINCE INITIAL CASE MANAGEMENT CONFERENCE

The Court held the Initial Case Management Conference on March 15, 2013 for Bascom's related cases against Facebook, LinkedIn Corp. ("LinkedIn"), Novell, Inc. ("Novell"), Jive Software, Inc. ("Jive") and BroadVision, Inc. ("BroadVision"). Since the Initial Case Management Conference, Bascom settled the cases involving BroadVision and Jive. Currently, Bascom and Novell are in discussion to settle their case.

Pursuant to the schedule agreed to by parties, Bascom served its infringement contentions on March 29, 2013. Pursuant to the Court's modified schedule, Facebook served its Invalidity Contentions on June 12, 2013. The parties are to exchange their preliminary claim terms on May 27, 2013 and exchange their preliminary claim constructions on June 17, 2013. Claim construction

briefing shall begin on August 26, 2013. A Markman hearing for this case is scheduled on October 2, 2013. The Court has not yet set a trial date in this case.

Based on the progress of this case, Bascom submits the following schedule for the remainder of the case:

Event	Proposed Date
Close of Fact Discovery	January 27, 2014
Opening Expert Reports	February 24, 2014
Rebuttal Expert Reports	March 17, 2014
Close of Expert Discovery	March 31, 2014
Opening Summary Judgment Briefs	April 7, 2014
Answering Summary Judgment Briefs	May 5, 2014
Reply Summary Judgment Briefs	May 19, 2014
Summary Judgment Hearings	June 2, 2014
Pretrial Conference	August 11, 2014
Trial	September 15, 2014

II. BASCOM'S DISCOVERY ISSUES

The parties have several pending discovery disputes. As such, Bascom is in the process of satisfying its meet and confer obligations in order to obtain responsive discovery. If Facebook refuses to provide sufficient responses to Bascom's discovery requests, Bascom may need to bring these issues to the Court's attention to resolve the parties' dispute.

Bascom served its first set of requests for the production of documents on Facebook on March

15, 2013. Facebook responded on April 15, 2013. Facebook refused to produce numerous categories of relevant and responsive documents, including internal technical and marketing documents. Bascom has conducted a telephonic meet and confer with Facebook regarding its discovery responses and will follow up with a subsequent meet and confer. If the meet and confer efforts fail, Facebook's responses and lack of production may need to be addressed by the Court.

Bascom served its first set of interrogatories on Facebook on March 15, 2013. Facebook failed to provide any substantial answers to Bascom's requests. Instead, Facebook provided FRCP 33(d) responses without any identification of documents that are responsive the request. Bascom met and conferred with Facebook and intends to follow up with a subsequent meet and confer. If Bascom does not receive appropriate responses to in interrogatories, Bascom may need to seek Court intervention.

III. BASCOM'S ISSUES WITH FACEBOOK'S INVALIDITY CONTENTIONS

Facebook's invalidity contentions contain 48 separate claim charts citing over 800 references and are 12,000 pages long. Despite its length, Facebook provides no analysis of the prior art references and does not identify specifically where the prior art reference meet the claims of the asserted patents. Once Bascom has fully reviewed Facebook's invalidity contentions, it will meet and confer with the Facebook in an effort to resolve its issues with the contentions.

IV. CONCLUSION

Bascom requests that its schedule governing the remainder of the case be entered during the Case Management Conference. Bascom will satisfy its meet and confer obligations regarding its issues with Facebook's discovery responses and invalidity contentions and, if necessary, may bring these issues to the Court's attention for resolution at a subsequent date.

DATED: June 21, 2013

Respectfully submitted,

By: */s/ James Hannah*

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