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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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| SPH AMERICA, LLC, a Virginia company,<br><br>Plaintiff,<br>v.<br><br>ACER, INC., a Taiwanese company, et al.,<br><br>Defendants. | Civil No.09cv2535 JAH (AJB)<br><br>ORDER FOLLOWING CASE MANAGEMENT CONFERENCE |

On May 21, 2010, the Court convened a Case Management Conference in the above entitled action. Appearing were Allison Goddard, Esq., Lily Lim, Esq., Ed Naidich, Esq. and Andrew Choung, Esq. on behalf of plaintiff; Michael Newton, Esq., Kirk Kjelland, Esq. and Stacey White, Esq. on behalf of defendant Nokia; Tim Walker, Esq. and Holly Hogan, Esq. on behalf of defendant Novatel; Dave Boag, and Frank Tobin, Esq. on behalf of defendant Panasonic; Robert Barrett and Patricia Riordan, Esq. on behalf of defendant UTStar.com; Martha Goodig, Esq. on behalf of defendant Motorola; Ronald Lopez, Esq. and Jennifer Hayes, Esq. on behalf of defendant Fujitsu/General Dynamic and Sierra Wireless; Pat Prindle, Esq. and Tom DeSimone, Esq. on behalf of defendant Personal; Jordan Jaffee, Esq. on behalf of defendant Sony Ericssen; David Garr, Esq. on behalf of defendant Palm; Jim Soong, Esq. and Ash Nagdez, Esq. on behalf of defendant HP/Acer.

Counsel have been conferring on a case scheduling and management plan. Given the number of parties, products, patents and claims, the Case presents some management challenges. The first is the identification of claims for claim construction purposes with a potential for hundreds, the parties need to

work together to distill the case down to essentials for orderly and efficient presentation and resolution by the trial judge. A plan was developed to help bring the parties to consensus or further limit the parameters of the issues in dispute. Based thereon, the Court issues the following orders:

1. By May 26, 2010, plaintiff will identify representative claims for claim construction purposes;

2. By June 2, 2010, defendants will identify claims they believe should be included in their representative claims for discussion purposes;

3. By July 12, 2010, the parties will simultaneously exchange preliminary claims construction;

4. By August 2, 2010, the parties will simultaneously exchange the responsive claims construction;

5. The parties will then meet and confer, in an attempt to come to an agreement on the claim construction terms to be the subject of future Markman hearing; and

6. The Court will hold a telephonic Case Management Conference on ***August 27, 2010 at 9:00 a.m.*** to discuss the parties' progress and issues further orders as appropriate at that time. Plaintiff will make arrangements for the conference call at that time.

The Court and counsel also discussed some discovery issues with regard to document production and Rule 30(b)(6) scheduling. Following discussion, the Court issues the following orders:

a. The deadline for serving responses and objections to discovery requests will be thirty (30) days from the service of the request:

b. The deadline for substantially completing document productions will be sixty (60) days from the service of the responses and objections to the discovery requests; and

c. The deadline to produce privilege logs is thirty (30) days from the production of the documents.

The parties will identify all corporate representatives designated to testify on behalf of the corporation pursuant to Fed. R. Civ. P. 30(b)(6) five (5) business days prior to the scheduled deposition. This will allow the parties to contemplate taking fact discovery from the 30(b)(6) witnesses to avoid multiple deposition sessions of any one individual to the extent practicable.

There is an issue pending with regard to the production of the defendants' source code. Following discussion, the Court orders the defendants to make their source code available to the plaintiffs no later than June 4, 2010; and for those defendants utilizing third party source code, they will provide the identifying information for the chip, and the version of the software utilized, to the extent known following a reasonable inquiry.

IT IS SO ORDERED.

DATED: May 24, 2010

Hon. Anthony J. Battaglia
U.S. Magistrate Judge
United States District Court