E-Mail Request for Emergency Relief

1. Case Number: 05 -cv- 506 -SLR

2. Check the box that applies:

✓ Requesting a teleconference with the parties and the court
Requesting an in-person conference with the parties and the court
Requesting either of the above listed options at the court's determination

3. BRIEFLY describe the reason for this **emergency** request:
We are counsel to the plaintiff, Vanderbilt University, in the above-referenced proceeding.
Discovery disputes have arisen since the date of the last discovery conference established by the Scheduling Order. Plaintiff interpreted Section 2(f)(3) of the Scheduling Order as applying only insofar as there are conferences remaining on the schedule and has proceeded to file motions to compel [D.I. 64, 69 & 70]. Defendant has asserted that a conference and Court approval is required. Plaintiff seeks clarification of the Scheduling Order and to schedule a conference if the Court deems one necessary prior to entertaining the pending and any subsequently filed motions to compel.

*Any text added beyond the limits of this space will be disregarded by the court.

4. Name of opposing counsel contacted about this request: Kevin Flowers, Esq.

5. Response of opposing counsel to this request:

6. Name of local counsel making this request: Joseph K. Koury (#4272)

7. Today's Date: 11.27.06

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For court use only:

Chief Judge Robinson will conduct an in-person discovery conference on Tuesday, December 12, 2006 at 3:00 p.m. Judge Robinson will deny all of the outstanding discovery motions, as local counsel should know that she always requires the opportunity to resolve discovery disputes informally rather than have the parties engage in a motion practice. Judge Robinson assumes that the parties are not planning on appearing today at 3:30 p.m. for the scheduled oral argument on claim construction, as there has been no briefing on such.