IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FCI USA, INC. and FCI AMERICAS TECHNOLOGY, INC., Plaintiffs, v. MOLEX INCORPORATED, Defendant.	)	C.A. No. 07-49-JJF

[PROPOSED] RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by April 30, 2007, the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Joinder of other Parties.** All motions to join other parties shall be filed by August 3, 2007.

3. **Discovery.**

(a) Exchange and completion of contention interrogatories and identification of fact witnesses shall be commenced so as to be completed by October 31, 2007. Documents shall be produced on an ongoing basis as agreed by the parties, but document production shall be completed by October 31, 2007. The parties will produce reasonably accessible electronic documents falling within the scope of their respective document requests in searchable TIFF or PDF format unless otherwise agreed. The parties need not search electronic backup tapes for such documents and need not attach metadata to such documents, but the parties will take appropriate steps to preserve existing metadata and electronic backup tapes and either party may

request the same at a later date for good cause. The parties may agree separately to limit further the scope of electronic discovery by limiting collection to agreed-upon designated custodians and/or by screening documents to be produced using agreed-upon key words or other search tools.

(b) Maximum of **[25 (Plaintiffs' proposal)] [50 (Defendant's proposal)]** interrogatories, including contention interrogatories, for each side.

(c) Maximum of 50 requests for admission by each side.

(d) Maximum of **[15 depositions by each side (Plaintiffs' proposal)] [140 hours of depositions (Defendant's proposal)]**, excluding expert depositions but including Rule 30(b)(6) depositions. [Rule 30(b)(6) depositions which extend beyond one day shall be counted as one deposition for each day of the deposition **(Plaintiff's proposal).**] **[The hours of the Rule 30(b)(6) depositions will be counted against the maximum of 140 hours (Defendant's proposal).]** Unless otherwise agreed, depositions shall not commence until the discovery required by Paragraph 3(a, b and c) is completed. Fact discovery shall be completed on or before January 31, 2008.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2). Opening expert reports on issues for which a party bears the burden of proof due by March 3, 2008. Rebuttal expert reports due on April 10, 2008.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition by May 15, 2008.

4. **Non-Case Dispositive Motions.**

(a) Any non-case dispositive motion, along with an Opening Brief, shall be filed with a Notice of Motion. The Notice of Motion shall indicate the date on which the movant

seeks to have the motion heard. The date selected shall be within 30 days of the filing of the motion and allow for briefing in accordance with the Federal and Local Rules. Available motion dates will be posted on the Court's website at:www.ded.uscourts.gov.

(b) At the motion hearing, each side will be allocated twenty (20) minutes to argue and respond to questions from the Court.

(c) Upon filing of the Notice of Motion, a copy of said Notice shall be sent to Chambers by-email at: jjf_civil@ded.uscourts.gov.

(d) Motions *in limine* to be filed and briefed so that all briefing is complete at least five business days before the Pretrial Scheduling Conference.

5. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before August 31, 2007.

6. **Case Dispositive Motions**. Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before March 1, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court. The Court will issue a separate Order regarding procedures for filing summary judgment motions.

7. **Markman.** A Markman Hearing will be held on December 14, 2007, or as soon thereafter as the Court's schedule permits. Parties to identify and exchange claim terms/phrases to be construed by the Court on September 15, 2007 and exchange proposed claim constructions on October 1, 2007. Opening claim construction briefs to be filed by October 22, 2007 and responsive briefs to be filed by November 29, 2007. Briefing on the claim construction issues shall be completed at least ten (10) business days prior to the hearing. The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

8. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1 and be made in accordance with the Court's December 15, 2006 Order on Procedures for Filing Non-dispositive motions in Patent Cases. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

9. **Pretrial Conference and Trial.** After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference. The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

_____ _____

DATE UNITED STATES DISTRICT JUDGE

799175

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April 13, 2007

BY E-FILING

The Honorable Joseph J. Farnan
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

Re: *FCI USA, Inc. and FCI Americas Technology, Inc. v. Molex Incorporated*, C.A. No. 07-49- JJF

Dear Judge Farnan:

In advance of the Rule 16(b) scheduling conference set for April 20, 2007, at 12:00 p.m., I am enclosing herewith a proposed scheduling order which includes proposed dates agreed upon by the parties (except pretrial conference and trial dates) and indicates in paragraph 3 the parties' differences with respect to interrogatories and depositions.

Respectfully,

Thomas C. Grimm (#1098)

TCG
Enclosure
cc: Dr. Peter T. Dalleo, Clerk (by hand – w/encl.)
Adam W. Poff, Esquire (by e-filing, e-mail & hand delivery – w/encl.)
John W. Kozak, Esquire (by e-mail – w/encl.)
Albert J. Breneisen, Esquire (by e-mail – w/encl.)
John W. Bateman, Esquire (by e-mail – w/encl.)