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April 19, 2007

By CM/ECF

The Honorable Joseph J. Farnan, Jr.
United States District Court
844 King Street
Wilmington, DE 19801

Re: *FCI USA, Inc., et al. v. Molex Incorporated,*
Civil Action No. 07-049-JJF

Dear Judge Farnan:

I write on behalf of defendant ("Molex"), regarding the only disputed portion of the proposed Scheduling Order submitted to the Court in this case. The parties are in agreement with respect to all aspects of the Scheduling Order, with the exception of the maximum number of interrogatories and the maximum number of depositions. Molex has urged the Court to allow a maximum of 50 interrogatories including contention interrogatories and 140 hours of depositions, excluding expert depositions, whereas Plaintiffs propose only 25 interrogatories and 15 depositions, excluding expert depositions.

Molex believes that additional interrogatories are necessary because of the number of patents-in-suit, the complexity of the subject matter, and the large number of inventors named on the patents-in-suit. Similarly, Molex believes that with nine named inventors, prior art witnesses, and other yet to be identified witnesses, the 15 depositions proposed by Plaintiffs will be insufficient. Molex's proposal of 140 hours is more realistic, because while some depositions, for example 30(b)(6) depositions or depositions of the first named inventor, may take over 7 hours, other depositions may take considerably less than 7 hours. Accordingly, 140 hours of deposition time would allow depositions to be carried out with flexibility and without undue burden to the witnesses or parties.

We look forward to discussing this issue with the Court at tomorrow's scheduling conference.

Respectfully submitted,

Josy W. Ingersoll (No. 1088)

JWI:cg
cc: Clerk of the Court (by CM/ECF and hand delivery)
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