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April 19, 2007

BY E-FILING

The Honorable Joseph J. Farnan, Jr.
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:

I write on behalf of plaintiffs (collectively "FCI") in response to defendant Molex's letter today regarding the two disputed issues in the proposed scheduling order. It is our understanding that the Court's practice is not to accept letters containing substantive argument. However, if the Court determines to consider Molex's letter, this is FCI's response.

First, with respect to the number of interrogatories, Molex's request to double the number of interrogatories allowed by the rules to 50 is unreasonable. The three patents in suit are all related and asserted against the same accused product. As Molex itself argues, they all "relate to Molex's same allegedly infringing product," and all claims "are directed to an electrical connector having a particular configuration of electrical contacts."[1] There is no reason for 50 interrogatories.

Second, with respect to depositions, Molex's request for 140 hours of depositions is burdensome and unjustified. The rules allow for ten. Since there are nine inventors, FCI has agreed to expand the number to fifteen. Absent a specific reason, however, there is no reason to double the number of depositions allowed by the rules to the equivalent of twenty. Nor, since many of the inventor depositions will likely be overlapping and shorter, is there any reason to

[1] Defendant's reply to Plaintiffs' Opposition To Defendant's Motion To Dismiss, Stay Or Transfer, April 16, 2007 (D.I. 13), p. 14.

base the limit for depositions on the number of hours. This will simply allow Molex, by taking some shorter depositions, to try to depose even more than 20 witnesses. While this case involves technical subject matter, it does not involve that many different issues, and there should be no need to burden that many additional witnesses.

FCI submits that the number of interrogatories should be limited to 25 in accordance with the rules, and the number of fact depositions should be limited to 15.

Respectfully,

Thomas C. Grimm (#1098)

TCG

cc: Dr. Peter T. Dalleo, Clerk (by hand)
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