IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MAGNETAR TECHNOLOGIES CORP. and G&T CONVEYOR CO.,	)	
Plaintiffs,	)	
v.	)	C.A. No. 07-127-JJF
SIX FLAGS THEME PARKS INC., TIERCO MARYLAND, INC., BUSCH ENTERTAINMENT CORP., CEDAR FAIR LP, PARAMOUNT PARKS INC., GREAT AMERICA LLC, KKI, LLC, MAGIC MOUNTAIN, LLC, PARK MANAGEMENT CORP., RIVERSIDE PARK ENTERPRISES, INC., SIX FLAGS OVER GEORGIA II, L.P., SIX FLAGS ST. LOUIS, LLC, TEXAS FLAGS, LTD, ASTROWORLD, L.P. DARIEN LAKE THEME PARK AND CAMPING RESORT, INC., ELITCH GARDENS, L.P., KNOTT'S BERRY FARM, KINGS ISLAND COMPANY, UNIVERSAL CITY DEVELOPMENT PARTNERS LTD., UNIVERSAL CITY STUDIOS LLP., and CEDAR FAIR,	)	
Defendants.	)	

SECOND AMENDED RULE 16 SCHEDULING ORDER

Subject to the Court's approval, the parties stipulate to the entry of this 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 have exchanged the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.1.

2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before October 15, 2008.

3. **Settlement Conference.** Pursuant to 28 U.S.C. §636, this matter is referred to Magistrate Judge Mary Pat Thynge for the purposes of exploring the possibility of a settlement.

If the parties agree that they would benefit from a settlement conference, the parties shall contact the Magistrate Judge to schedule a settlement conference so as to be completed no later than the Pretrial Conference or a date ordered by the Court.

4. **Discovery.**

(a) Exchange and completion of contention interrogatories, identification of fact witnesses and document production shall be commenced so as to be completed by October 31, 2008.

(b) Maximum of twenty-five interrogatories (the same interrogatory to multiple parties counts as one), including contention interrogatories, for each side.

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

(d) Requests to inspect: For plaintiffs, one inspection for each group of duplicate sites.

(e) Maximum of twenty depositions by plaintiff(s) and twenty by defendant(s), excluding expert depositions. Depositions shall not commence until the discovery required by Paragraphs 3(a, b, c, and d) is completed.

(f) All fact discovery shall be completed by January 15, 2009.

(g) Reports from retained experts required by Fed.R.Civ.P. 26(a)(2) are due from the party with the burden of proof on the issue the expert is offered thirty (30) days after the issuance of the Court's Markman decision. Rebuttal expert reports are due sixty (60) days after the issuance of the decision.

(h) Any party desiring to depose an expert witness shall notice and complete said deposition no later than forty-five (45) days from receipt of said expert's rebuttal report, unless otherwise agreed in writing by the parties or ordered by the Court.

5. **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 hearing date selected shall allow time for filing of the motion, allow for briefing in accordance with the Federal and Local Rules, and shall permit all briefing to be filed no later than 12:00 noon the Friday before the motion day on which it is to be heard. Available motion dates will be posted on the Court's website at: http://www.ded.uscourts.gov/JJFmain.htm

(b) At the motion hearing, each side will be allocated ten (10) 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.

6. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before October 15, 2008.

7. **Case Dispositive Motions**. Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief within thirty (30) days after the completion of expert discovery. 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 parties shall follow the Court's procedures for summary judgment motions which is available on the Court's website at: http://www.ded.uscourts.gov/JJFmain.htm

8. **Markman.** A Markman Hearing, if necessary, will be held on May 14, 2009. at 2:00p.m The parties shall identify the claim terms to be construed and their proposed constructions by December 15, 2008. The parties shall serve and file initial and responsive claim constructions briefs on March 16, 2009 and April 16, 2009, respectively. Briefing on the claim construction issues shall be completed at least twenty (20) days prior to the hearing. The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

9. **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 June 30, 2007). 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 February 1, 2008 Order on procedures for filing non-dispositive motions in patent cases. Briefs shall be limited to no more than ten (10) pages. 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.

10. **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.

ASHBY & GEDDES

/s/ John G. Day
Steven J. Balick (I.D. #2114)
John G. Day (I.D. #2403)
Tiffany Geyer Lydon (I.D. #3950)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899-1150
Ph: 302-654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com
tlydon@ashby-geddes.com

Attorneys for Plaintiffs

Of Counsel:

Raymond P. Niro
Joseph N. Hosteny
Patrick F. Solon
Nicholas M. Dudziak
NIRO, SCAVONE, HALLER & NIRO
181 West Madison Street, Suite 4600
Chicago, IL 60602
Ph: 312-236-0733
rniro@nshn.com; hosteny@nshn.com;
solon@nshn.com; dudziak@nshn.com

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Rodger D. Smith, II
Rodger D. Smith, II (I.D. #3778)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
Ph: 302-351-9205
rsmith@mnat.com

Attorneys for Defendants

Of Counsel:

Ted S. Ward
BERKE, KENT & WARD LLP
624 South Grand Avenue
Suite 2940
Los Angeles, CA 90017
Ph: 213-995-2500
tward@bkwllp.com

Dated: July 23, 2008

SO ORDERED this 25 day of July, 2008.

United States District Judge