IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

XEROX CORPORATION, Plaintiff-Counterclaim Defendant, vs. GOOGLE INC., YAHOO! INC., RIGHT MEDIA INC., RIGHT MEDIA LLC, YOUTUBE, INC. AND YOUTUBE, LLC, Defendants-Counterclaim Plaintiffs.	)	C.A. No. 10-136-LPS

INTERIM STATUS REPORT

Pursuant to the February 15, 2011, Amended Scheduling Order (D.I. 115, ¶ 7), Plaintiff Xerox Corporation ("Xerox"); Defendants Google Inc., YouTube, Inc., and YouTube, LLC (collectively, "Google"); and Defendants Yahoo! Inc., Right Media Inc., and Right Media LLC (collectively, "Yahoo!") jointly submit this Interim Status Report.

I. NATURE OF THE MATTERS IN ISSUE

This is a patent infringement action. On February 19, 2010, Xerox brought this action against Google and Yahoo! for infringement of U.S. Patent No. 6,778,979 ("the '979 Patent") and U.S. Patent No. 6,236,994 ("the '994 Patent"). (D.I. 1.) Google and Yahoo! asserted affirmative defenses of non-infringement and invalidity, and filed counterclaims seeking declaratory judgments of non-infringement and invalidity. (D.I. 24, 27, 30.)

Pursuant to the Stipulation and Order entered March 7, 2011, all claims, defenses, and counterclaims relating to the '994 Patent have been dismissed with prejudice. (D.I. 130.)

II. STATUS OF CLAIM CONSTRUCTION, SCHEDULING, DISCOVERY AND MEDIATION

On March 15, 2011 (D.I. 133), the parties filed a Joint Claim Construction Chart setting forth agreed-upon constructions for certain terms in the asserted claims of the '979 Patent, as well as proposing their respective constructions for disputed terms. The parties filed opening claim construction briefs on March 25, 2011 (D.I. 141, 142), and filed answering claim construction briefs on April 26, 2011 (D.I. 162, 163). On May 18, 2011, the parties filed a stipulation agreeing upon a construction for a previously disputed term in Claim 10 of the '979 Patent. (D.I. 181.) The Court held a claim construction hearing on May 19, 2011.

On June 9, 2011, the Court entered the parties' Stipulated Order amending the February 15, 2011, Scheduling Order. (D.I. 195.) Fact discovery is to be completed by August 15, 2011; expert discovery is to be completed by November 18, 2011; and case dispositive motions are due by December 16, 2011.

Document production in this action is substantially complete, and the parties have exchanged privilege logs. The parties are currently taking depositions as well as written discovery in the form of interrogatories. The parties are discussing various discovery issues.

Pursuant to the May 12, 2011, Order setting mediation conferences, Xerox and Yahoo! will take part in a mediation conference with Magistrate Judge Thynge on October 24, 2011, beginning at 9:30 a.m., and Xerox and Google will take part in a mediation conference with Magistrate Judge Thynge on October 24, 2011, beginning at 3:00 p.m. (D.I. 176.) The parties' mediation statements are due October 14, 2011. (*Id.*)

Dated: June 14, 2011

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