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August 18, 2008

ALL DELAWARE COUNSEL:

Re: Honeywell International Inc. et al. v. Apple Computer Inc. et al.
C.A. No. 1:04-cv-01338-JJF

Dear Counsel:

As you know, pursuant to Judge Farnan's August 1, 2008 Oral Order, I have been given "the authority to devise a plan for the restructuring of the Honeywell cases." The cases have also been referred to me "for all matters through and including Summary Judgment."

Not later than September 15, 2008 I intend to file with Judge Farnan my plan and proposed schedule for the disposition of all matters referred to me as well as for any ultimate trial(s) on the merits.

I am mindful of the following filings that address restructuring issues:

- Correspondence on behalf of Honeywell International Inc. from T. Grimm dated May 16, 2008. (D.I. 1037);
- Correspondence on behalf of Defendants, Samsung SDI Co., Ltd., Samsung SDI America Inc., FUJI Film Corp., FUJI Film U.S.A., Inc., Citizen Watch Co., Ltd. and Citizen Display's, Ltd. from R. Horwitz dated May 30, 2008. (D.I. 1043); and
- Correspondence on behalf of Optrex America, Inc. from K. Pascale dated May 30, 2008. (D.I. 1044).

I am also mindful that the Citizen Defendants have pending their fully briefed Motion for Summary Judgment.

Subsequent to a meet and confer, the occurrence of which must be certified by the parties, the parties should supplement the correspondence referenced herein in letter correspondence to me, not to exceed 6 pages, not later than close of business on August 26, 2008. To the extent possible, I encourage two joint submissions, one from Customer Defendants and one from Manufacturing Defendants, with separate appendices addressing

Defendants' specific issues. I direct the parties' attention to *Promos Technologies, Inc. v. Freescale Semiconductor, Inc.*, C.A. No. 06-788 (JFF) (D.I. 191) for a suggested format.

Understanding that the parties may have fully addressed issues relative to the ultimate structuring of the cases for trial, the parties are expected to address all remaining pre-trial management issues contemplated by Fed. R. Civ. P. 16(b) as well as issues identified by D. Del. L.R. 16.1. For example, it is expected that the Citizen Defendants/Honeywell will either propose a date to argue the pending Motion for Summary Judgment or suggest that no argument is requested and that the Motion is ripe for consideration.

I should note that I will have a better idea of Judge Farnan's availability for trial dates sometime next week. This should not preclude the parties from proposing all dates/timeframes contemplated herein including proposed trial dates.

With the issuance of my Report and Recommendations Regarding DM-1 (D.I. 1144), I have established timeframes within which the Customer Defendants may file, argue and have a Report and Recommendation issued on their respective Motions to Dismiss. The parties' filings should therefore not address matters covered therein.

I appreciate in advance your attention to the matter at hand and look forward to working with you on September 4, 2008 at 1:00 p.m.

IT IS SO ORDERED.

Vincent J. Poppiti
Special Master