# United States District Court, Northern District of Illinois

| Name of Assigned Judge or Magistrate Judge | Matthew F. Kennelly | Sitting Judge if Other than Assigned Judge | |
|---|---|---|---|
| CASE NUMBER | 08 C 7322 | DATE | 3/16/2009 |
| CASE TITLE | Ill. Computer Research, LLC vs. Harpo Productions, Inc,. et al. | | |

**DOCKET ENTRY TEXT**

Enter agreed Scheduling Order. Fact discovery is to be completed by 10/28/09, and may reopen for 42 days after claim construction ruling. Initial disclosures are due 3/11/09; initial infringement contentions are due 3/25/09; initial noninfringement/invalidity/unenforceability contentions are due 4/8/09; response to same is due 4/22/09. Final infringement contentions are due 8/19/09; final noninfringement/invalidity/ unenforceability contentions are due 9/16/09. Proposed claim terms for construction are to be exchanged by 9/30/09. Claim construction briefs are due 10/28/09 for defendant, 11/25/09 for plaintiff; and 12/9/09 for defendant's reply. Claim construction hearing is set to 12/18/09 at 10:00 a.m. Remaining dates are set pursuant to attached order. Status hearing set to 5/28/09 at 9:30 a.m.

■[ For further details see text below.] Docketing to mail notices.

**STATEMENT**

| Courtroom Deputy Initials: | mk |
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**IN THE UNITED STATES DISTRICT COURT**
**FOR THE NORTHERN DISTRICT OF ILLINOIS**
**EASTERN DIVISION**

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| Illinois Computer Research, LLC<br>Plaintiff,<br><br>v.<br><br>Harpo Productions, Inc.,<br>Sony Corporation of America, and<br>Sony Electronics Inc.<br>Defendant, | ) | Case Number: 08 cv 7322<br><br>Judge Matthew Kennelly |

**SCHEDULING ORDER**

1. Discovery.

   a. Fact Discovery. Fact discovery shall commence on March 11, 2009 and shall be completed by October 28, 2009. Fact discovery may resume upon entry of a claim construction ruling and shall end forty-two (42) days after entry of the claim construction ruling.

   b. Initial Disclosures. All disclosures required by Proposed Local Patent Rule ("PLPR") 2.1 shall be made on or before March 11, 2009.

   c. Initial Infringement Contentions. Plaintiff shall serve on all parties its "Initial Infringement Contentions" containing the information specified in PLPR 2.2 on or before March 25, 2009.

   d. Initial Non-Infringement, Unenforceability and Invalidity Contentions. Each Defendant opposing a claim of patent infringement or asserting invalidity or unenforceability shall serve on all parties its "Initial Non-Infringement, Unenforceability and Invalidity Contentions" containing the information and

documents specified in PLPR 2.3 and 2.4 on or before April 8, 2009.

e. Initial Response to Invalidity Contentions. Plaintiff shall serve on all parties its "Initial Response to Invalidity Contentions" containing the information required by PLPR 2.5 on or before April 22, 2009.

f. Final Infringement Contentions. Plaintiff shall serve on all parties its "Final Infringement Contentions" containing the information required by PLPR 3.1 on or before August 19, 2009.

g. Final Non-Infringement, Unenforceability and Invalidity Contentions. Each party asserting non-infringement, invalidity or unenforceability of a patent claim shall serve on all other parties its "Final Non-infringement, Unenforceability and Invalidity Contentions" containing the information and documents required by PLPR 3.2 and 3.3 on or before September 16, 2009.

h. Claim Construction Proceedings.

i. Exchange Of Proposed Claim Terms To Be Construed Along With Proposed Constructions.

1. On or before September 30, 2009, each party shall serve a list of (i) the claim terms and phrases the party contends the Court should construe; (ii) the party's proposed constructions; (iii) identification of any claim element that the party contends is governed by 35 U.S.C. § 112(6); and (iv) the party's description of the function of that element, and the structure(s), act(s), or material(s) corresponding to that element.

2. On or before October 7, 2009, the parties must meet and confer

and agree upon no more than ten (10) terms or phrases to submit for construction by the court. If the parties are unable to agree upon ten terms, then five shall be allocated to plaintiff and five to all defendants. For each term to be presented to the Court, the parties must certify whether it is outcome-determinative.

ii. Claim Construction Briefs.

1. On or before October 28, 2009, Defendants shall file their Opening Claim Construction Brief pursuant to PLPR 4.2(a).
2. On the date for filing the Opening Claim Construction Brief, the parties shall file a Joint Appendix containing the information required by PLPR 4.2(b).
3. On or before November 25, 2009, Plaintiff shall file its Responsive Claim Construction Brief pursuant to PLPR 4.2(c).
4. On or before December 9, 2009, Defendants shall file their Reply Claim Construction Brief pursuant to PLPR 4.2(d).
5. On or before December 16, 2009, the parties shall file (1) a joint claim construction chart and joint status report pursuant to PLPR 4.2(f).

iii. Claim Construction Hearing. Unless the Court orders otherwise, a claim construction oral argument or hearing may be held on or before January 6, 2010. Either before or after the filing of claim construction briefs, the Court shall issue an order describing the schedule and procedures for a claim construction hearing.

i. Expert Witnesses.

i. Disclosure Of Experts And Expert Reports.

1. Within twenty-one (21) days after the close of discovery after the claim construction ruling, each party shall make its initial expert witness disclosures required by Federal Rule of Civil Procedure 26 on issues for which it bears the burden of proof.

2. Within thirty-five (35) days after the date for initial expert reports, each party shall make its rebuttal expert witness disclosures required by Federal Rule of Civil Procedure 26 on the issues for which the opposing party bears the burden of proof.

ii. Depositions Of Experts. Depositions of expert witnesses shall be completed within thirty-five (35) days after exchange of expert rebuttal disclosures.

2. Dispositive Motions.

a. Final Day For Filing Dispositive Motions. All dispositive motions shall be filed within twenty-eight (28) days after the completion of expert depositions.

IT IS SO ORDERED this 16th day of March, 2008

Judge Kennelly, United States District Court

**APPROVED AS TO FORM AND CONTENT:**

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