

v.

MICROSOFT CORPORATION,

Defendant.

) Civil Action No. 2:12-cv-2829 JPM-tmp
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JOINT MOTION AND SUPPORTING MEMORANDUM OF PLAINTIFF B.E. TECHNOLOGY, LLC AND DEFENDANT MICROSOFT CORPORATION TO MODIFY CERTAIN LOCAL PATENT RULES DEADLINES

Plaintiff B.E. Technology, LLC (“plaintiff”) and defendant Microsoft Corp. (“Microsoft” or “defendant”) jointly move the Court to enter the accompanying proposed Order, modifying the deadlines for four events under the Local Patent Rules (LPR’s) in this action.

Specifically, the parties move to modify deadlines for (a) service of non-infringement contentions as well as the production of related documents (LPR 3.3-3.4); (b) service of invalidity and unenforceability contentions and production of related documents (LPR 3.5-3.6); (c) service of validity and enforceability contentions (LPR 3.7); (d) and the parties’ exchange of preliminary patent claim terms to be construed (LPR 4.1(a)).

		(per Local Patent Rules)
Initial Non-Infringement Contentions & Production	30 days from the Last Order	LPR 3.3-3.4 (28 days after Initial Infringement contentions)
Initial Invalidity and Unenforceability Contentions	60 Days after Last Order	LPR 3.5-3.6 (90 days from Responsive Pleading)
Prelim. ID of terms for construction	65 Days after Last Order	LPR 4.1(a) (95 days from Responsive Pleading)
Validity and Enforceability Contentions	102 Days after Last Order (i.e., 42 Days after Initial Invalidity & Unenforceability Contentions)	3.7 (21 days after Initial Invalidity and Unenforceability Contentions)

On January 7, 2013 Plaintiff served Initial Infringement Contentions. On January 28, 2013, Microsoft filed an unopposed request for extension of time to serve Initial Non-Infringement Contentions and the accompanying Production. A stay of proceedings in the present matter was ordered on February 11, 2013. *See* Docket Entry #41. On July 16, 2013, the stay in the present action was lifted. *See* Docket Entry #53.

The present modifications are requested to harmonize the schedules in the co-pending B.E. Technology matters. The parties' request is consistent with modifications jointly requested by plaintiff and other defendants in the co-pending B.E. Technology matters before this Court. *See, e.g., B.E. Technology, LLC v. Google Inc.*, Case No. 2:12-cv-02830-JPM-tmp, Docket Entry

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¹ This motion is submitted without prejudice to any modifications to the case schedule requested in the parties' submission in advance of the July 26, 2013 case management conference

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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2013 the foregoing document has been electronically filed using the Court's CM/ECF system which sent notification to all counsel of record.

s/ Bradley E. Trammell