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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 GEBR TIGGES GMBH & CO. KG, *et al.*,

9 Plaintiffs,

10 v.

11 EYS METAL SANAYI VE TICARET LTD.
12 STI., *et al.*,

13 Defendants.

Case No. C07-1673

MINUTE ORDER SETTING TRIAL
DATE & RELATED DATES

14 **TRIAL DATE**

June 1, 2009

15 Statement of asserted claims and preliminary infringement
16 contentions due

January 2, 2008

17 Statement of preliminary invalidity contentions

February 4, 2008

18 Deadline for joining additional parties and amending pleadings

February 15, 2008

19 Reports from expert witnesses, if any, regarding Markman issues

March 26, 2008

20 Rebuttal expert reports, if any, regarding Markman issues

April 25, 2008

21 Joint claim chart due

May 7, 2008

22 Opening claim construction briefs due (24 page limit)

May 21, 2008

23 Responsive claim construction briefs due (24 page limit)

June 4, 2008

24 Markman hearing

at 9:00 a.m. on

June 25, 2008

25 Reports from expert witnesses under FRCP 26(a)(2) due

December 12, 2008

26 Rebuttal expert reports due

January 12, 2009

All motions related to discovery must be noted on the motion
calendar no later than the Friday before discovery closes
pursuant to CR7(d)(3) or CR37(a)(2)(B)

1	Discovery completed by	February 11, 2009
2	All dispositive motions must be filed by	March 5, 2009
3	and noted on the motion calendar no later than the	
	fourth Friday thereafter (<u>see</u> CR 7(d))	
4	Settlement conference per CR 39.1(c)(2) held no later than	April 2, 2009
5	Mediation per CR 39.1(c)(3) held no later than	May 1, 2009
6	All motions <i>in limine</i> must be filed by	May 4, 2009
7	and noted on the motion calendar seven judicial days	
	thereafter pursuant to CR7(d)(2)	
8	Agreed pretrial order due	May 20, 2009
9	Pretrial conference to be scheduled by the Court	
10	Trial briefs, proposed voir dire questions, proposed	May 27, 2009
	jury instructions, and trial exhibits due	
11	Length of Trial: 6-15 days	Jury <u>XXX</u>

13 These dates are set at the direction of the Court after reviewing the joint status report and
14 discovery plan submitted by the parties. All other dates are specified in the Local Civil Rules.
15 If any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal
16 holiday, the act or event shall be performed on the next business day. These are firm dates that
17 can be changed only by order of the Court, not by agreement of counsel or the parties. The
18 Court will alter these dates only upon good cause shown: failure to complete discovery within
19 the time allowed is not recognized as good cause.
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21 If the Markman hearing or trial dates assigned to this matter create an irreconcilable
22 conflict, counsel must notify Teri Roberts, the judicial assistant, at 206-370-8810 within 10 days
23 of the date of this Order and must set forth the exact nature of the conflict. A failure to do so
24 will be deemed a waiver. Counsel must be prepared to begin trial on the date scheduled, but it
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1 should be understood that the trial may have to await the completion of other cases.

2 ALTERATIONS TO ELECTRONIC FILING PROCEDURES

3 As of June 1, 2004, counsel are required to electronically file all documents with the
4 Court. Information and procedures for electronic filing can be found on the Western District of
5 Washington's website at www.wawd.uscourts.gov. The following alterations to the Electronic
6 Filing Procedures apply in all cases pending before Judge Lasnik:
7

8 - Section III, Paragraph F - when the aggregate submittal to the court (*i.e.*, the motion,
9 any declarations and exhibits, the proposed order, and the certificate of service) exceeds **50**
10 pages in length, a paper copy of the documents (with tabs or other organizing aids as necessary)
11 shall be delivered to the Clerk's Office for chambers by 10:30 am the morning after filing. The
12 chambers copy must be clearly marked with the words "Courtesy Copy of Electronic Filing for
13 Chambers."
14

15 - Section III, Paragraph L - unless the proposed order is stipulated, agreed, or otherwise
16 uncontested, the parties need not e-mail a copy of the order to the judge's e-mail address.
17

18 PRIVACY POLICY

19 Pursuant to the General Order of the Court regarding Public Access to Electronic Case
20 Files (filed 5/29/03), parties are to redact the following information from documents and exhibits
21 before they are filed with the court:
22

23 * Dates of Birth - redact to the year of birth

24 * Names of Minor Children - redact to the initials

25 * Social Security Numbers - redact to the last four digits
26

1 * Financial Accounting Information - redact to the last four digits

2 The General Order was issued pursuant to the official policy on privacy adopted by the
3 Judicial Conference of the United States and can be found on the court's website at
4 <http://www.wawd.uscourts.gov/docs>. All documents filed in the above-captioned matter must
5 comply with the Privacy Policy and the General Order.
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7 TECHNICAL ADVISOR

8 Depending on the nature of the invention and the factual/technical issues that are likely to
9 be in dispute, the Court may appoint a technical advisor to assist the Court during the claim
10 construction proceedings and/or the trial of this matter. The parties shall, within fourteen days
11 of the date of this Order, confer and submit the resumes of three qualified individuals who are
12 willing to serve as a technical advisor in this matter. If the Court appoints one of the nominated
13 individuals as a technical advisor, the parties shall split the cost of the expert equally.
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15 CLAIM CONSTRUCTION PROCEDURES

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17 Prior to submission of the Joint Claim Chart, the parties shall exchange preliminary
18 proposed constructions for each disputed claim term and provide a preliminary identification of
19 any extrinsic evidence that supports a particular construction. If the extrinsic evidence is
20 documentary, a copy shall be provided to the opposing party: if the evidence is testimonial, a
21 brief description of the witness' proposed testimony must be produced. After reviewing the
22 preliminary submissions, the parties shall meet to narrow the disputed issues and finalize the
23 Joint Claim Chart. The preliminary disclosures discussed above should help the parties narrow
24 the terms in dispute: the Court expects the terms presented in the Joint Claim Chart to be truly
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1 16.1 procedure for numbering exhibits: plaintiff's exhibits shall be numbered consecutively
2 beginning with 1; defendant's exhibits shall be numbered consecutively beginning with 500.
3 Duplicate documents shall not be listed twice: once a party has identified an exhibit in the
4 pretrial order, any party may use it. Each set of exhibits shall be submitted in a three-ring binder
5 with appropriately numbered tabs.
6

7 SETTLEMENT

8 Should this case settle, counsel shall notify Kerry Simonds, the deputy clerk, at
9 206-370-8519 as soon as possible. Pursuant to GR 3(b), an attorney who fails to give the
10 Deputy Clerk prompt notice of settlement may be subject to such discipline as the Court deems
11 appropriate.
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14 DATED this 17th day of December, 2007.

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17 s/ Kerry Simonds
18 Kerry Simonds, Deputy Clerk for
19 The Honorable Robert S. Lasnik, Judge
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1 **Sample Joint Claim Chart**

3 Claim Language (Disputed Terms in Bold) 4 5 '123 Patent	Plaintiff's Proposed Construction and Evidence in Support	Defendant's Proposed Construction and Evidence in Support
6 1. A method for mending fences 7 8 [or] 9 fences 10 Found in claim numbers: 11 '123 Patent: y, z 12 '456 Patent: a, b	fence <u>Proposed Construction:</u> A structure that keeps things out. <u>Dictionary/Treatise Definitions:</u> Merriam-Webster Dictionary (“a barrier intended to prevent . . . intrusion”). <u>Intrinsic Evidence:</u> '123 Patent col _:__ (“keeps stray animals out”); Prosecution History at __ (“this method is more effective than the prior art in reinforcing the fence, and therefore in keeping out unwanted intruders”). <u>Extrinsic Evidence:</u> R. Frost Depo. at xx:xx (“Good fences make good neighbors”); '000 Patent at col _:__; Vila Decl. at ¶___.	fence <u>Proposed Construction:</u> A structure that keeps things in. <u>Dictionary/Treatise Definitions:</u> Random House Dictionary (“a barrier enclosing or bordering a field, yard, etc. ”). <u>Intrinsic Evidence:</u> '123 Patent col _:__ (“keeps young children from leaving the yard “); Prosecution History at __ (“dilapidated fences meant to pen in cattle are particularly amenable to this method”). <u>Extrinsic Evidence:</u> C. Porter Depo. at xx:xx (“Don't fence me in”); '111 Patent at col _:__; Thomas Decl. at ¶___.

18 (or similar format that provides side-by-side comparison)