

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 07-80286-CIV-RYSKAMP/VITUNAC

PERFECT WEB TECHNOLOGIES, INC.,

Plaintiff,

v.

INFOUSA, INC.,

Defendant.

SCHEDULING ORDER

THIS CAUSE comes before the Court by the Scheduling Reports [DE 27] dated July 3, 2007 and October 15, 2007 [DE 37]. The Court has considered the scheduling materials, as well as the docket in this matter, and deems it necessary to enter the following scheduling order.

Accordingly, it is

ORDERED AND ADJUDGED, pursuant to Local Rule 16.1(b)(7), that:

1. No pretrial conference shall be held in this action, unless the parties so request or the Court determines, *sua sponte*, that a pretrial conference is necessary. Should a pretrial conference be set, the compliance deadlines as set forth in the remainder of this Order shall remain unaltered.

2. Counsel shall meet at least ONE MONTH prior to the beginning of the trial calendar to confer on the preparation of a pretrial stipulation.

3. The original and one copy of a joint pretrial stipulation shall be filed on or before the date set forth in the attached Notice of Trial and shall conform to Local Rule 16.1(e). The Court will not allow unilateral pretrial stipulations.

4. In cases tried before a jury, each party shall file the original and one copy of the proposed jury instructions at least ONE WEEK prior to the beginning of the trial calendar. Additionally, one copy of the proposed jury instructions shall be sent in Word or WordPerfect format to <mailto:Ryskamp@flsd.us>Ryskamp@flsd.uscourts.gov. Each jury instruction shall be typed on a separate sheet and must be supported by citation of authority. In preparing their requested jury instructions, the parties shall use as a guide the *Pattern Jury Instructions* for civil cases approved by the United States Eleventh Circuit, including the Directions to Counsel contained therein.

5. In cases tried before the Court, each party shall file the original and one copy of the proposed findings of fact and conclusions of law at least ONE WEEK prior to the beginning of the trial calendar. Proposed conclusions of law shall be supported by citations of authority.

6. All exhibits must be pre-marked. The plaintiff and defendant shall both mark their exhibits numerically. A typewritten exhibit list setting forth the number, and description of each exhibit shall be submitted at the time of trial. The parties shall submit said exhibit list on Form AO 187, which is available from the Clerk's office. All electronically filed exhibits should be listed as one attachment unless over 5mb (100 pages).

7. A motion for continuance shall not stay the requirement for the filing of a pretrial stipulation and, unless an emergency situation arises, a motion for continuance will not be considered unless it is filed at least twenty (20) days prior to the date on which the trial calendar is scheduled to commence.

8. Non-compliance with any provision of this order may subject the offending party to sanctions or dismissal. It is the duty of all counsel to enforce the timetable set forth herein in

order to insure an expeditious resolution of this cause.

9. The following timetable shall govern the pretrial procedure in this case. This schedule shall not be modified absent compelling circumstances.

<u>November 30, 2007</u>	Exchange of Initial Disclosures
<u>December 28, 2007</u>	Joinder of additional parties and amended pleadings
<u>January 25, 2008</u>	Exchange of claim terms at issue
<u>February 15, 2008</u>	Exchange of proposed constructions
<u>March 3, 2008</u>	Submission of joint claim chart
<u>March 21, 2008</u>	Opening claim construction briefs and identification of any witnesses and support thereof.
<u>April 4, 2008</u>	Opposition claim construction briefs and identification of any witnesses and support thereof Pretrial stipulation is due.
<u>April 14, 2008</u>	Reply claim construction briefs
<u>April 17, 2008</u>	Markman hearing
<u>May 23, 2008</u>	The party shall exchange expert witness reports that comply with Southern District of Florida Local Rule 16.1K
<u>June 16, 2008</u>	The parties shall exchange rebuttal expert witness reports.
<u>July 1, 2008</u>	All discovery must be completed
<u>July 18, 2008</u>	All dispositive pretrial motions and memoranda of law must be filed
<u>August 15, 2008</u>	The parties shall furnish lists of witnesses and exhibits in accordance with Fed. R. Civ. P. 26(a)(3)

September 5, 2008 The parties shall serve objections to the opposing party's witnesses and exhibit list in accordance with Fed. R. Civ. P. 26(a)(3)

October 22, 2008 Pre-trial stipulation is due

This case is assigned to the Standard track.

This is a jury trial.

10. Trial and calendar call will be set by separate notice.

11. If this case is settled, counsel are directed to inform the Court promptly by calling chambers and submitting an appropriate order for dismissal, within ten (10) days of notification of settlement to the Court, pursuant to Fed. R. Civ. P. 41(a)(1).

12. The parties shall be bound by all additional representations made in their Scheduling Reports.

Dated this 19th day of November, 2007.

S/Kenneth L. Ryskamp
KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE