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18 Microtech Systems Inc., Corwin Nichols,  
19 Cranel Inc., Discount Media Products LLC, and  
20 Master Recording Supply Inc.

14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

16 WORDTECH SYSTEMS, INC.,

Case No. 08-04027-MHP

17 Plaintiff,

18 vs.

19 MICROTECH SYSTEMS, INC., a California  
20 corporation, CORWIN NICHOLS, an  
individual, CRANEL, INC. dba CRANEL  
IMAGING, DISCOUNT MEDIA PRODUCTS  
LLC dba THE TAPE COMPANY LLC,  
MASTER RECORDING SUPPLY INC.  
and DOES 1-50,

**STIPULATION AND [PROPOSED]  
ORDER RE DISCOVERY &  
SCHEDULING RE PATENT  
INVALIDITY/UNENFORCEABILITY  
\* AS AMENDED BY COURT**

Judge: Hon. Marilyn H. Patel  
Trial Date: None Set

23 Defendants.

24 AND RELATED CROSS-CLAIMS

25 /  
26 Per the Court's February 9, 2009 Civil Minutes Order as modified by the Court's March  
27 12, 2009 Order, Plaintiff Wordtech Systems Inc. and Defendants and Cross-Claimants Microtech  
28 Systems Inc., Corwin Nichols, Cranel Inc., Discount Media Products LLC, and Master

1 Recording Supply Inc. (collectively, "Responding Defendants") hereby submit their proposed  
2 joint Discovery & Scheduling Order re the issues of the invalidity and/or unenforceability of  
3 plaintiff's United States letters patent Nos. 6,141,298, 6,532,198, 6,833,932 and 7,145,841 (the  
4 "Patents in Suit").

5 **1. CLAIM CONSTRUCTION SCHEDULING.**

6 A. Plaintiff's Disclosure of Asserted Claims and Infringement Contentions (PLR 3-1)  
7 to be completed by May 6, 2009;

8 B. Defendants' Invalidity Contentions (PLR 3-3) to be completed by June 22, 2009;  
9 C. Defendant's Advice of Counsel Disclosures (PLR 3-7) to be completed by June 29,  
10 2009;

11 D. Parties to exchange Proposed Terms for Construction (PLR 4-1) by July 9, 2009;  
12 E. Parties to exchange Preliminary Claim Constructors (PLR 4-2) by July 29, 2009;  
13 F. Joint Claim Construction and Prehearing Statement (PLR 4-3) to be filed by  
14 September 9, 2009;

15 G. Claim Construction Discovery to be completed by October 13, 2009 (PLR 4-4);  
16 H. Plaintiff's Opening Claim Construction Brief (PLR 4-5(a)) to be filed by October  
17 27, 2009.; Defendants' response shall be filed by November 10, 2009 (PLR 4-5(b)); Plaintiff's  
18 Reply shall be filed by November 17, 2009 (PLR 4-5(c));

19 **December 10, 2009 at 9:00 am**  
20 I. Claim Construction hearing shall be conducted on or after ~~December 7, 2009~~,  
21 subject to Court availability.

22 **2. DISCOVERY ON INVALIDITY AND UNENFORCEABILITY ISSUES.**

23 A. Responding Defendants will propound/take the following discovery:  
24 i. Written discovery to plaintiff, inventor(s) and various third-parties as  
25 follows:

- 1 a. Interrogatories (1<sup>st</sup> set) by February 8, 2010;
- 2 b. Requests for Admissions (1<sup>st</sup> set) by February 8, 2010;
- 3 c. Document Inspection Demands (1<sup>st</sup> set) by February 8, 2010.
- 4 d. Subsequent sets of written discovery TBD.

5 ii. Depositions of plaintiff, inventor(s) and various third-parties depending  
6 on the responses to written discovery as follows:

- 7 a. July – October, 2010;

8 B. Plaintiff will propound/take the following discovery:

9 i. Written Discovery as follows:

- 10 a. Document Production (1<sup>st</sup> set) by February 8, 2010;
- 11 b. Interrogatories (1<sup>st</sup> set) by February 8, 2010;
- 12 c. Requests for Admissions (1<sup>st</sup> set) by February 8, 2010;
- 13 d. Subsequent sets of written discovery, TBD.

14 ii. Depositions of Mr. Corwin Nichols; PMQ Employee(s) of Discount Media  
15 Products; PMQ Employee(s) of Master Recording Supply; PMQ Employee(s) of  
16 Cranel, Inc.; Other third parties, TBD subject to further discovery.

- 17 a. July - October, 2010.

18 3. **MOTIONS.**

19 Responding Defendants' motion for summary judgment or summary adjudication  
20 and/or for a declaratory judgment that the Patents in Suit are invalid and/or unenforceable as  
21 follows:

- 22 A. Hearing Date: March 14, 2011; @ 2:00 p.m.
- 23 B. Responding Defendants' Opening Brief due February 10, 2011;
- 24 C. Plaintiff's Opposition Brief due February 24, 2011;

1 D. Responding Defendants' Reply Brief due February 31, 2011.  
2

3 **4. SETTLEMENT AND ADR.**

5 Parties will inform the Court Clerk and ADR Dept. after the invalidity/unenforceability  
6 phase of discovery is concluded and will conduct mediation with Atty. Lane prior to filing  
7 Defendant's subject motion.  
8

9  
10 Dated: March 23, 2009  
11

12 By: s/Christian J. Martinez/s  
13 CHRISTIAN J. MARTINEZ  
14 Attorney for Plaintiff Wordtech Systems Inc.  
15

16 Dated: March 23, 2009 HORNSTEIN LAW OFFICES, Prof. Corp.  
17  
18

19 By: s/Val D. Hornstein/s  
20 VAL D. HORNSTEIN  
21 Attorneys for Defendants and  
22 counterclaimants Microtech Systems Inc., Corwin  
23 Nichols, Cranel Inc., Discount Media Products  
24 LLC, and Master Recording Supply Inc.  
25

