

Hon. Marsha J. Pechman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTERVAL LICENSING LLC,

Plaintiff,

v.

AOL, INC., et al.,

Defendants.

Lead Case No. 2:10-cv-01385-MJP

PRAECIPE TO JOINT CLAIM
CONSTRUCTION AND
PREHEARING STATEMENT

JURY DEMAND

On Friday, May 27, 2011, the parties filed their Prehearing Statement and Joint Claim Charts (Dkt. # 240). The parties respectfully submit this Praecipe to (1) add pinpoint citations to the patents' file histories referenced in the Joint Claim Charts, and (2) reorganize Exhibits A1-D1, which contain excerpts from the file histories.

Dated: June 2, 2011

/s/ Matthew R. Berry
Justin A. Nelson
WA Bar No. 31864
E-Mail: jnelson@susmangodfrey.com
Edgar G. Sargent
WA Bar No. 28283
E-Mail: esargent@susmangodfrey.com
Matthew R. Berry
WA Bar No. 37364
E-Mail: mberry@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1201 Third Ave, Suite 3800
Seattle, WA 98101
Telephone: (206) 516-3880
Facsimile: (206) 516-3883

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Max L. Tribble, Jr.
E-Mail: mtribble@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666

Oleg Elkhunovich
E-Mail: oelkunovich@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1901 Avenue of the Stars, Suite 950
Los Angeles, California 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150

Michael F. Heim
E-mail: mheim@hpcllp.com
Eric J. Enger
E-mail: eenger@hpcllp.com
Nate Davis
E-mail: ndavis@hpcllp.com
HEIM, PAYNE & CHORUSH, L.L.P.
600 Travis, Suite 6710
Houston, Texas 77002
Telephone: (713) 221-2000
Facsimile: (713) 221-2021

Attorneys for Interval Licensing LLC

/s/ Molly A. Terwilliger (with permission)
Gerald F. Ivey (*pro hac vice*)
gerald.ivey@finnegan.com
Robert L. Burns (*pro hac vice*)
robert.burns@finnegan.com
Elliot C. Cook (*pro hac vice*)
elliott.cook@finnegan.com
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Avenue, N.W.
Washington, D.C. 20001-4413
Tel: (202) 408-4000

Molly A. Terwilliger, WSBA No. 28449
mollyt@summitlaw.com
SUMMIT LAW GROUP PLLC
315 Fifth Avenue S., Suite 1000
Seattle, Washington 98104
Tel: (206) 676-7000

Cortney S. Alexander (*pro hac vice*)
cortney.alexander@finnegan.com
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
3500 SunTrust Plaza

1 303 Peachtree Street, NE
2 Atlanta, Georgia 30308-3263
3 Tel: (404) 653-6400

Attorneys for Defendant AOL Inc.

4 /s/ Jeremy E. Roller (with permission)

5 Brian M. Berliner (*pro hac vice*)
6 bberliner@omm.com

7 Neil L. Yang (*pro hac vice*)
8 nyang@omm.com

9 Xin-Yi Zhou
10 vzhou@omm.com

11 O'MELVENY & MYERS LLP
12 400 South Hope Street
13 Los Angeles, California 90071
14 Tel: (213) 430-6000

Scott T. Wilsdon, WSBA No. 20608
wilsdon@yarmuth.com

Jeremy E. Roller, WSBA No. 32021
jroller@yarmuth.com

YARMUTH WILSDON CALFO PLLC
818 Stewart Street, Suite 1400
Seattle, Washington 98101
Tel: (206) 516-3800

11 George A. Riley (*pro hac vice*)
12 griley@omm.com

13 David S. Almeling (*pro hac vice*)
14 dalmeling@omm.com

15 O'MELVENY & MYERS LLP
16 Two Embarcadero Center, 28th Floor
17 San Francisco, California 94111
18 Tel: (415) 984-8700

Attorneys for Defendant Apple Inc.

18 /s/ J. Christopher Carraway (with permission)

19 J. Christopher Carraway, WSBA No. 37944
20 chris.carraway@klarquist.com

21 Kristin L. Cleveland (*pro hac vice*)
22 kristin.cleveland@klarquist.com

23 Klaus H. Hamm (*pro hac vice*)
24 klaus.hamm@klarquist.com

25 Derrick W. Toddy (*pro hac vice*)
26 derrick.toddy@klarquist.com

27 John D. Vandenberg, WSBA No. 38445
28 john.vandenberg@klarquist.com

Jeffrey S. Love

Jeffrey.love@klarquist.com

KLARQUIST SPARKMAN, LLP
121 S.W. Salmon Street, Suite 1600
Portland, Oregon 97204
Tel: (503) 595-5300

Christopher T. Wion, WSBA No. 33207
chrisw@dhl.com

Arthur W. Harrigan, Jr., WSBA No. 1751
arthurh@dhl.com

DANIELSON HARRIGAN LEYH &
TOLLEFSON LLP
999 Third Avenue, Suite 4400
Seattle, Washington 98104
Tel: (206) 623-1700

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attorneys for Defendants eBay Inc., Netflix, Inc., Office Depot, Inc., and Staples, Inc.

Michael G. Rhodes (*pro hac vice*)
mrhodes@cooley.com
COOLEY LLP
101 California St., 5th Floor
San Francisco, California 94111
Tel: (415) 693-2000

/s/ Christopher B. Durbin (with permission)
Christopher B. Durbin, WSBA No. 41159
cdurbin@cooley.com
COOLEY LLP
719 Second Avenue, Suite 900
Seattle, Washington 98104
Tel: (206) 452-8700

Heidi L. Keefe (*pro hac vice*)
hkeefe@cooley.com
Mark R. Weinstein (*pro hac vice*)
mweinstein@cooley.com
Sudhir A. Pala (*pro hac vice*)
spala@cooley.com
Elizabeth L. Stameshkin (*pro hac vice*)
lstameshkin@cooley.com
COOLEY LLP
3175 Hanover St.
Palo Alto, California 94304
Tel: (650) 843-5000

Attorneys for Defendant Facebook, Inc.

1 Kevin X. McGann - (212) 819-8312
(*pro hac vice*)
2 kmcgann@whitecase.com
3 Dimitrios T. Drivas - (212) 819-8286
(*pro hac vice*)
4 ddrivas@whitecase.com
5 John Handy - (212) 819-8790 (*pro hac vice*)
6 jhandy@whitecase.com
7 Aaron Chase - (212) 819-2516 (*pro hac vice*)
8 achase@whitecase.com
9 WHITE & CASE LLP
10 1155 Avenue of the Americas
11 New York, New York 10036

/s/ Shannon M. Jost (with permission)
Shannon M. Jost, WSBA No. 32511
shannon.jost@stokeslaw.com
Scott A.W. Johnson, WSBA No. 15543
scott.johnson@stokeslaw.com
Theresa H. Wang, WSBA No. 39784
Theresa.wang@stokeslaw.com
STOKES LAWRENCE, P.S.
800 Fifth Avenue, Suite 4000
Seattle, Washington 98104
Tel: (206) 626-6000

9 Warren S. Heit - (650) 213-0321
(*pro hac vice*)
10 wheat@whitecase.com
11 Wendi Schepler - (650) 213-0323
(*pro hac vice*)
12 wschepler@whitecase.com
13 WHITE & CASE LLP
14 3000 El Camino Real
Building 5, 9th Floor
Palo Alto, California 94306

15 *Attorneys for Defendants Google Inc. and YouTube, LLC*

16 John S. Letchinger (*pro hac vice*)
17 letchinger@wildman.com
18 Douglas S. Rupert (*pro hac vice*)
19 rupert@wildman.com
20 WILDMAN, HARROLD, ALLEN & DIXON
21 LLP
22 225 West Wacker Drive, Suite 2800
23 Chicago, Illinois 60606
24 Tel: (312) 201-2698

/s/ Steven W. Fogg (with permission)
Kevin C. Baumgardner, WSBA No. 14263
kbaumgardner@corrchronin.com
Steven W. Fogg, WSBA No. 23528
sfogg@corrchronin.com
CORR CRONIN MICHELSON
BAUMGARDNER & PREECE LLP
1001 4th Avenue, Suite 3900
Seattle, Washington 98154
Tel: (206) 625-8600

22 Jeffrey D. Neumeyer, WSBA No. 35183
23 JeffNeumeyer@OfficeMax.com
24 OfficeMax Incorporated
1111 West Jefferson Street, Suite 510
Boise, Idaho 83702
Tel: (208) 388-4177

25 *Attorneys for Defendant OfficeMax Incorporated*

1 Michael A. Jacobs (*pro hac vice*)
mjacobs@mofo.com
2 Matthew I. Kreeger (*pro hac vice*)
mkreeger@mofo.com
3 Richard S.J. Hung (*pro hac vice*)
rhung@mofo.com
4 Francis Ho (*pro hac vice*)
fho@mofo.com
5 Eric W. Ow (*pro hac vice*)
eow@mofo.com
6 MORRISON & FOERSTER LLP
7 425 Market Street
8 San Francisco, California 94105
9 Tel: (415) 268-7000

/s/ Mark P. Walters (with permission)
Mark P. Walters, WSBA No. 30819
mwalters@flhlaw.com
Dario A. Machleidt, WSBA No. 41860
dmachleidt@flhlaw.com
FROMMER LAWRENCE & HAUG LLP
1191 Second Avenue Suite 2000
Seattle, Washington 98101
Tel: (206) 336-5684

Attorneys for Defendant Yahoo! Inc.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

Attorneys for Google Inc. and YouTube, LLC

Shannon M. Jost (Shannon.jost@stokeslaw.com)
Scott A.W. Johnson (scott.johnson@stokeslaw.com)
Theresa H. Wang (Theresa.wang@stokeslaw.com)
Dimitrios T. Drivas (ddrivas@whitecase.com)
Kevin X. McGann (kmcgann@whitecase.com)
Aaron Chase (aaron.chase@whitecase.com)
John Handy (jhandy@whitecase.com)
Warren S. Heit (wheit@whitecase.com)
Wendi R. Schepler (wschepler@whitecase.com)

Attorneys for OfficeMax, Inc.

Kevin C. Baumgardner (kbaumgardner@corrchronin.com)
Steven W. Fogg (sfogg@corrchronin.com)
Jeffrey D. Neumeyer (JeffNeumeyer@officemax.com)
John S. Letchinger (letchinger@wildmanharrold.com)
Douglas S. Rupert (keating@wildman.com)

Attorneys for Yahoo!

Mark P. Walters (mwalters@flhlaw.com)
Dario A. Machleidt (dmachleidt@flhlaw.com)
Francis Ho (fho@mofo.com)
Richard S. J. Hung (rhung@mofo.com)
Michael Jacobs (mjacobs@mofo.com)
Matthew I. Kreeger (mkreeger@mofo.com)
Eric W. Ow (eow@mofo.com)

Attorneys for eBay Inc., NetFlix, Inc., Office Depot, Inc. and Staples, Inc.

J. Christopher Carraway (chris.carraway@klarquist.com)
John D. Vandenberg (john.vandenberg@klarquist.com)
Arthur W. Harrigan, Jr. (arthurh@dhlt.com)
Christopher T. Wion (chrisw@dhlt.com)
Kristin L. Cleveland (Kristin.cleveland@klarquist.com)
Klaus H. Hamm (Klaus.hamm@klarquist.com)
Derrick W. Toddy (derrick.toddy@klarquist.com)
Jeffrey S. Love (jeffrey.love@klarquist.com)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attorneys for Apple Inc.

Scott T. Wilsdon (wilsdon@yarmuth.com)
Jeremy E. Roller (jroller@yarmuth.com)
David S. Almeling (dalmeling@omm.com)
George A. Riley (griley@omm.com)
Brian M. Berliner (bberliner@omm.com)
Neil L. Yang (nyang@omm.com)
Xin-Yi Zhou (vzhou@omm.com)

Attorneys for Facebook Inc.

Christopher B. Durbin (cdurbin@cooley.com)
Heidi L. Keefe (hkeefe@cooley.com)
Elizabeth L. Stameshkin (lstameshkin@cooley.com)
Mark R. Weinstein (mweinstein@cooley.com)
Michael G. Rhodes (mrhodes@cooley.com)
Sudhir Pala (spala@cooley.com)

Attorneys for AOL Inc.

Gerald F. Ivey (gerald.ivey@finnegan.com)
Cortney S. Alexander (cortney.alexander@finnegan.com)
Eliot C. Cook (elliott.cook@finnegan.com)
Robert L. Burns (robert.burns@finnegan.com)
Molly A. Terwilliger (mollyt@summitlaw.com)

By: /s/ Matthew R. Berry