EXHIBIT 9

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

TECSEC, INCORPORATED,	.	Civil Action No. 1:10cv115
	.	
Plaintiff,	.	
	.	
vs.	.	Alexandria, Virginia
	.	April 28, 2010
INTERNATIONAL BUSINESS MACHINES CORPORATION; SAS INSTITUTE, INC.; SAP AMERICA, INC.; SAP AG; CISCO SYSTEMS, INC.; SUN MICROSYSTEMS, INC.; SYBASE, INC.; SOFTWARE AG USA, INC.; SOFTWARE AG, INC.; ADOBE SYSTEMS INCORPORATED; EBAY INC.; PAYPAL, INC.; AND ORACLE CORPORATION,	.	9:35 a.m.
	.	
Defendants.	.	
	.	
. . . . .	.	

TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE LEONIE M. BRINKEMA
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR TECSEC, INCORPORATED:
THOMAS J. CAWLEY, ESQ.
Hunton & Williams
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102
and
MICHAEL A. OAKES, ESQ.
BRIAN M. BUROKER, ESQ.
MICHAEL A. O'SHEA, ESQ.
Hunton & Williams
1900 K Street, N.W.
Washington, D.C. 20006-1109

(APPEARANCES CONT'D. ON FOLLOWING PAGE)

COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

APPEARANCES: (Cont'd.)

FOR INTERNATIONAL BUSINESS MACHINES CORPORATION:	JOHN M. DESMARAIS, ESQ., P.C. Kirkland & Ellis LLP 601 Lexington Avenue New York, NY 10022
FOR SAS INSTITUTE, INC.:	WALTER D. KELLEY, JR., ESQ. TARA L. ZURAWSKI, ESQ. Jones Day 51 Louisiana Avenue, N.W. Washington, D.C. 20001
FOR SAP AMERICA, INC., AND SAP AG:	JEFFREY K. SHERWOOD, ESQ. FRANK C. CIMINO, ESQ. MEGAN S. WOODWORTH, ESQ. Dickstein Shapiro LLP 1825 Eye Street, N.W. Washington, D.C. 20006-5403
FOR CISCO SYSTEMS, INC.:	WILLIAM H. BOICE, ESQ. Kilpatrick Stockton LLP 1100 Peachtree Street, Suite 2800 Atlanta, GA 30309-4530 and AMR O. ALY, ESQ. Kilpatrick Stockton LLP 31 West 52nd Street, 14th Floor New York, NY 10019
FOR INTERNATIONAL BUSINESS MACHINES CORPORATION AND CISCO SYSTEMS, INC.:	CRAIG C. REILLY, ESQ. Law Office of Craig C. Reilly 111 Oronoco Street Alexandria, VA 22314
FOR ORACLE CORPORATION AND ORACLE AMERICA, INC.:	JONATHAN D. LINK, ESQ. Townsend and Townsend and Crew LLP 1301 K Street, N.W. 9th Floor, East Tower Washington, D.C. 20005 and JAMES G. GILLILAND, JR., ESQ. Townsend and Townsend and Crew LLP Two Embarcadero Center Eighth Floor San Francisco, CA 94111

APPEARANCES: (Cont'd.)

FOR SYBASE, INC.:	BLAIR M. JACOBS, ESQ. McDermott Will & Emery LLP 600 - 13th Street, N.W. Washington, D.C. 20005-3096 and VERA M. ELSON, ESQ. McDermott Will & Emery LLP 275 Middlefield Road, Suite 100 Menlo Park, CA 94025
FOR SOFTWARE AG USA AND SOFTWARE AG, INC.:	MICHAEL W. ROBINSON, ESQ. Venable LLP 8010 Towers Crescent Drive Suite 300 Vienna, VA 22182-2707 and JEFFRI A. KAMINSKI, ESQ. Venable LLP 575 Seventh Street, N.W. Washington, D.C. 20004
FOR ADOBE SYSTEMS INCORPORATED:	VIVIAN S. KUO, ESQ. Howrey LLP 1299 Pennsylvania Avenue, N.W. Washington, D.C. 20004 and WILLIAM P. NELSON, ESQ. Howrey LLP 1950 University Avenue, 4th Floor East Palo Alto, CA 94303
FOR EBAY INC. AND PAYPAL, INC.:	GEORGE F. PAPPAS, ESQ. GARY M. RUBMAN, ESQ. SARAH M. HALL, ESQ. Covington & Burling LLP 1201 Pennsylvania Avenue, N.W. Washington, D.C. 20004-2401
OFFICIAL COURT REPORTER:	ANNELIESE J. THOMSON, RDR, CRR U.S. District Court, Fifth Floor 401 Courthouse Square Alexandria, VA 22314 (703)299-8595

P R O C E E D I N G S

THE CLERK: Civil Action 10-115, TecSec, Incorporated v. International Business Machines Corporation, et al. Would counsel please note their appearances for the record.

MR. CAWLEY: Good morning, Your Honor. Tom Cawley for TecSec, and with me at counsel table is Brian Buroker of Hunton & Williams, and behind me is Mike Oakes and Mike O'Shea from Hunton & Williams as well.

MR. OAKES: Good morning, Your Honor.

THE COURT: Good morning.

MR. REILLY: Good morning, Your Honor. Craig Reilly here for defendant IBM, and I would like to introduce my cocounsel, John Desmarais of the Kirkland & Ellis firm.

MR. DESMARAIS: Good morning, Your Honor.

MR. REILLY: I am also counsel to Cisco Systems and would like to introduce the Court to my cocounsel, William Boice of the Kilpatrick Stockton firm.

MR. BOICE: Good morning, Your Honor.

THE COURT: Good morning.

MR. GILLILAND: Good morning, Your Honor.

THE COURT: Well, wait. Let me just stop now. I'm intrigued already, Mr. Reilly. To my knowledge, are not IBM and Cisco completely separate corporate entities?

MR. REILLY: Yes, they are, Your Honor.

THE COURT: All right. And they are retaining the same

local counsel?

MR. REILLY: Yes.

THE COURT: And there is no conflict?

MR. REILLY: That's correct, Your Honor.

THE COURT: All right. That starts to make some suggestions to me about this case, but all right, that's fine. Thank you, Mr. Reilly.

Now, yes, sir.

MR. GILLILAND: Good morning, Your Honor. My name is James Gilliland, Townsend and Townsend and Crew, here with my partner, Jonathan Link. We represent Oracle Corporation and Oracle America, Inc., the successor to Sun Microsystems.

THE COURT: Very good. Now, I know we have many other defendants in the courtroom with counsel, and I think the easiest thing to do so that I don't take time unless anyone else is going to be speaking, although I think this is really IBM and the plaintiff's, technically their motion, but if you want your appearances noted, I'll ask you to just -- I'll send a piece of paper around, this is the old-fashioned way of doing things, and just ask you to indicate your name and your firm and which defendant you're representing.

This matter is before the Court on the motion brought by IBM to have some change to modify the pretrial schedule. Although filed by IBM, my understanding is that it was brought on behalf of all the defendants, and that does suggest to the Court, obviously,

that there is some, has been some preliminary effort among the defendants and their counsel to do some coordination in this case.

I suspect that I raised the blood pressure at Hunton & Williams a few levels when I issued my order in response to that motion, when I indicated that in my preliminary review of the case and of IBM's motion, that I was concerned that the case as currently positioned is potentially unmanageable, and -- with this many defendants, this many patents, and this many claims within the patents, and so as you know, I've strongly suggested that I'm thinking of doing some creative restructuring of the litigation.

Now, I received a response to that order which set us up for the status hearing today from the plaintiff, and I assume the defendants have had a chance to read that. I must say, Mr. Cawley, that my experience for patent cases in this district -- and I did note that the mega cases you cited to, I don't believe any were from the Fourth Amendment or EDVA -- traditionally, we have one or at most two defendants, but nothing like the number of defendants who have been named in this case.

I certainly remember, I don't know if any of these firms were involved, but with Black & Decker, we had a series of snake light cases -- Mr. Reilly, I think you were involved in some of those --

MR. REILLY: Yes, Your Honor.

THE COURT: -- one after another.

And this docket moves so quickly that without being

facetious, I think you could probably try three or four of these cases within the same amount of time it would take you to do one in many other districts. So having said that, your response did get my attention, particularly the use of the "S" word, when you indicated that one of the tactical and perfectly legitimate reasons for structuring the complaint this way was to improve the potential for early settlement.

That's something in my experience again with patent cases is usually the way they ultimately are resolved, and it's a very cost effective and efficient and business savvy way of resolving these things. The fact that a very reputable business in this field has already settled with you gave me some strong suggestions that these are potentially very meritorious claims, and perhaps the other similarly well-established defendants might be wanting to take a significant business look at the issues here, and so that thought has me rethinking exactly how I want to structure this case.

But I'm still very uncomfortable with the situation, and one of the things that gives me the biggest concern is the defendants' argument that at this point, they don't have a clear picture of the, of the specific claims and the specific -- and their specific products upon which the claims are supposed to -- to which the claims are supposed to relate, and without that kind of more detailed information, it will make a rational structuring of discovery very difficult. So I want you to respond to that, if

you could.

MR. CAWLEY: Well, I believe that in both the -- both versions of the preliminary discovery plan, there is allowance for having a filing of the detailed claim charts, which we are going to have by May 12, and that's what they really need, I think, is in terms of the -- in terms of trying to decide the parameters of it, because we're not dealing here with every claim in every patent, and Mr. Buroker can give you more details on that, but that is what we anticipate filing and we will file by May 12 unless the Court directs otherwise. So I think then you're going to have the ability to have a better framework.

And I would submit, Your Honor, that if -- remember, we represent a small company. It only has 15 employees. The idea of doing sequential discovery and subjecting all of our people to a series seriatim of depositions and other discovery both of the employees and also the inventors -- there's five inventors, only two of which still work for TecSec, so that three have left.

The idea of having them submit in a serial fashion to discovery would be extremely burdensome and expensive for TecSec, and what I would suggest, Your Honor, quite respectfully, is why don't we go through discovery and see what happens, because if we go through discovery -- and I should add also any claim construction hearing or a summary judgment if that occurs, let's see where we are then.

If it turns out that there's still 13 defendants, well,

we believe that we could still proceed and have a trial, but if Your Honor felt differently, then there's a variety of things that we could do at that time to make it more manageable if Your Honor felt that was a goal that had to be achieved, and I can give Your Honor some examples of how --

THE COURT: No, I had already thought about that last night, about structuring the trials differently, I mean, but one of the concerns I have, and this has to do with judicial resources, quite frankly, too, I mean, I'm not going to be dishonest with you and tell you that's not an issue I have as well, is I already see you've filed at least one -- you have filed, I think, at this point a motion to dismiss the counterclaim of one of the defendants.

If I get 13 counterclaims in this case, I'm going to have 13 motions to dismiss. You know, this is one case, but it's really going to be 13. And I'm also concerned about overlap.

Now, one of the things is if I let the case stay as it currently is, I'm going to put some burden on the defendants to coordinate, because I don't want to be reading 13 motions on a particular issue where the first ten pages basically repeat, and I have found that to be the case when we have multiple defendants in any kind of a complex commercial case.

I recognize the efficiencies of scale, but the other thing is -- and again, this is something that Judge Buchanan can work out with you at the 16(b) conference or you can work out

among yourselves -- but I'm going to ask the spokesperson for IBM, when you-all, when defense counsel has been talking about how to handle the discovery in this case, assuming the case stayed as it was originally postured, how have you envisioned conducting depositions?

Would there be a lead firm or a lead defendant that would handle a particular witness and then the other attorneys simply ask those specific questions that perhaps have not been handled by the lead attorney, or had you envisioned that each side would get, you know, their seven hours at that particular witness? Had that been discussed yet?

MR. DESMARAIS: Yes, Your Honor. John Desmarais from Kirkland & Ellis for International Business Machines. Thank you, Your Honor. We have discussed it. I think Your Honor has put your finger on one of the difficulties with this case, and let me just say while there are 13 different or however many there are with the corporate mergers defendants here, they're all different.

This isn't the normal kind of case where the plaintiff has one set of allegations and they're all the same across all the different defendants. This really is 13 different cases, because each of the defendants is a competitor with different products and different uses of the accused technology. So it is, in fact, 13 different cases that the plaintiffs have cobbled together.

So while we're trying to coordinate on the defense side, we don't actually coordinate that well, because we're competitors

and the products are different, and they're proprietary and confidential, so IBM can't show Cisco how IBM's products work, because we compete with Cisco.

THE COURT: Well, wait. You've got the same attorney representing you.

MR. DESMARAIS: Well, I wanted to address that, because Your Honor pointed that out. Actually, only for local counsel purposes. In fact, IBM and Cisco at the beginning talked about whether we should have -- they could have the same outside counsel, and they concluded quite quickly that they couldn't, so Kirkland & Ellis is representing IBM, and Kilpatrick is representing Cisco, and we're not allowed to share the confidential details of the products between each other.

Mr. Reilly has graciously agreed to serve as local counsel so that we could get some cost efficiency, but that's only for the local counsel purposes, not for the substantive progression --

THE COURT: Yeah, but, you know, I mean, in this court, the adverb -- or the adjective "only" is wrong. Local counsel are, that is the attorney who's on the hook. If there's any problem in the case, it's Mr. Reilly who's going to get the heat, not so much you-all.

MR. DESMARAIS: I understand that, Your Honor.

THE COURT: So, I mean, I think there is the very real potential that Mr. Reilly in order to do his job appropriately as

local counsel would have access, and I'm just saying that setup, to me, sort of undercuts the argument, but I understand where you're coming from in that respect.

Would not -- once you get the detailed claims chart, won't that really help to solidify exactly among other things where there might be some logical line drawing done in terms of how to parse up this case?

MR. DESMARAIS: It's very possible that something may reveal itself that we don't know right now, but the one thing we for sure know right now if you take IBM, we have software products and hardware products that are different from Cisco's products, and they're different from Oracle's products and Sun's products, so that we know enough about what's going on in the marketplace that this is not an implementation that we're all using the same chip or something like that.

They are individual proprietary software, you know, and I don't think the infringement proof is going to be able to be -- what's applicable to IBM is not going to necessarily be applicable to Cisco. So we actually took Your Honor's suggestion in the order that issued to heart, and IBM is here to volunteer to be the lead defendant to go first, as Your Honor suggested, if we pick one to go first through discovery and the *Markman* and the trial, and we were able to get all the defendants to agree to that protocol.

We are the first named defendant, so it makes sense.

We're the largest of the defendants. All of the patents are against IBM, so we have dozens of products, and all of the claims will be asserted against IBM. So if we go forward, we will essentially take all of the claims and all of the causes of action and lead the way.

And I think on the settlement point, I think you're going to get the same sort of settlement action that you would otherwise get. With IBM being the lead, all the patents are against us, all the claims are against us, all the issues will be fulsomely developed, and the other defendants will see what's happening, and those who are inclined to settle will settle. Especially if things start breaking one way or the other, they're going to want to get out. They're not off the hook.

So I think you're going to get the same sort of settlement motivations to save money and to get out of the case if it looks like it's developing poorly, and one of the few things all the defendants have been able to agree on is that IBM should go first and take on the challenge, and we're ready to do that.

THE COURT: Well, let me ask Mr. Cawley this. Mr. Cawley, if your client were to prevail against IBM --

MR. CAWLEY: Yes.

THE COURT: -- as a practical matter, is there any really feasible possibility that the rest of the defendants wouldn't immediately cave in?

Let's assume that the appeals have been successful,

you've won. From a rational standpoint, is there a likelihood that the others would not then step in line and work things out with you?

MR. CAWLEY: I don't think they would, Your Honor. Let me say two things about that. First, contrary to what counsel just said, I think there would be zero incentive -- up to the time when there would be a final decision in that first case, there would be zero incentive for anybody to settle because of the defense of nonmutual collateral estoppel.

If -- this would be an entirely one-way street, because certainly all of these defendants here are not going to agree that any rulings with respect to whatever defendant we would use if we had to go against one defendant, they certainly are not going to agree that anything that's been decided that is adverse to IBM would be adverse to them.

But on the other hand, if there was a finding, for instance, of invalidity, God forbid, in this case, then under the doctrine of defense of nonmutual collateral estoppel, they would all get to take advantage of that. So that's the unfairness is that any victory on our part would be useless for us with respect to the other defendants, but any defeat in any aspect, and it could be an affirmative defense or it could be on the validity question, would be beneficial.

So they having no risk would be free riders. They would sit there and wait and see what happened, and they shouldn't --

they wouldn't --

THE COURT: But, Mr. Cawley, I think you're missing the handwriting on the wall concept. I mean, from a legal standpoint, you're correct. If a defendant -- after you had your great victory over IBM, if one of these defendants decided they still wanted to go to trial, they would know certainly what the law of this case was.

Now, from a legal standpoint, they'd still have a right to relitigate it, but the handwriting would be on the wall.

MR. CAWLEY: Well --

THE COURT: I mean, from a rational standpoint, all the law firms in this room are sophisticated in this area of patent litigation.

MR. CAWLEY: And it's just because they're sophisticated and talented that I would assume that each one would think that I would have a different experience in front of Judge Brinkema, or I would have different prior art, or I would have different intrinsic or extrinsic evidence that might bear on the construction.

THE COURT: Why wouldn't they have given that prior art to IBM? I mean, again, these fellows are still going to talk to each other.

MR. CAWLEY: Oh, they would, Your Honor. They'd love to have IBM beat us in some fashion, because that would redound to their benefit.

THE COURT: That's right.

MR. CAWLEY: But the fact of the matter is if they are unsuccessful, then they're going to say, "Well, Your Honor, I've got to have my day in court. Oracle has never had our day in court," for example.

And by the way, Your Honor, I just want to say quickly we don't really have -- we do legally have 13 defendants, but there's really nine defendant groups. Sun Microsystems has been purchased by Oracle. That's called Oracle America now, so that's one defendant group.

eBay is a wholly owned subsidiary -- excuse me, PayPal is a wholly owned subsidiary of eBay. That's another group. SAS and its German -- SAP, excuse me, and its German parent is really one defendant group, and the same is true with Software AG and Software America, I think it's called. So you really have nine defendant groups, I would think, as a practical matter.

Now, Your Honor, what I'm saying is this: I remember in one of my many losing arguments in front of Judge Bryant, I used a slippery slope argument, and Judge Bryant said, "Why don't we just worry about that when it occurs, Mr. Cawley?"

Why don't we go through discovery, go through claim construction if Your Honor wishes to have that kind of hearing, go through summary judgment, and let's see where we are. Then during that period of time, there would be an incentive for all of the nine defendant groups or some of them to settle.

I mean, my partners here both from the DiNovo Price firm, which is cocounsel with us, a Texas firm, and Mike O'Shea, who's from Hunton & Williams, have had experience with multi-defendant cases where all of the defendants have settled by the time they get to trial. I'm not saying that that would happen, but Your Honor knows and this Court's experience is certainly that that's often the case.

Why don't we see where we are after we do common discovery? In fact, I was sitting here thinking if we had filed 13 different lawsuits, undoubtedly we'd be talking about a motion to consolidate brought by somebody, because they'd say, look, there's got to be some economies of scale here. Why should we do something 13 different times?

So it seems to me this is the most efficient way to handle it, and it seems to me it's entirely unfair for us to start down this road with any defendant, whether it's of our choosing or the defendant's choosing, but it seems unfair to us, what would happen, for instance, if we settle with that, with that defendant? What happens then? I mean, presumably we'd have to start the process over again, and we could find ourselves, you know, serially in this matter.

And Mr. Buroker says that the current timetable for appeals to the Federal Circuit is a year and a half. We're talking about a long time before we would have a final decision, and that means -- and we pointed that out in our papers -- that

the stay would in some sense be indefinite, but it would certainly be several years, and that seems really unfair to us to have to wait, let's say, two-and-a-half years, forgetting about an appeal, you know, a petition for cert to the Supreme Court, before we could say, okay, we finally got through with case No. 1.

And you're right, people might then settle, but they might not, and that puts us in a very bad position. Some of the patents are going to expire, I think, in 2013. Others have a longer life. But that seems to me it's unfair to the plaintiff to have to wait that long. You're right, some or all could settle, but some or all may not settle, and we're right back four years from now getting ready to try the case for defendant No. 2.

I just don't understand why this matter can't be revisited after we go through discovery and we go through pretrial motions.

THE COURT: All right. Well, I continued the initial pretrial with Judge Buchanan until May, is it the 12th?

MR. REILLY: 12th, Your Honor.

THE COURT: The same day the claims chart is supposed to be delivered?

MR. REILLY: (Nodding head.)

THE COURT: All right. And that May 12 claims chart delivery date had been agreed to by you-all or not?

MR. REILLY: That had been in the plan, Your Honor, but obviously not entered as a Rule 16(b) order by the Court yet, but

we would like to get the -- we, in fact, were going to suggest that we get the claim chart before we even have a Rule 16(b) conference, because it really would shape the parameters of the case for all purposes in discovery.

THE COURT: Yeah, it would. It would.

All right, I think I am -- I'm going to consult with Judge Buchanan again to take a look at her calendar. It makes no sense at this point to even think about -- and I'm still thinking about ways of carving this case up, but I'm going to leave it as it currently is structured, require that the plaintiff provide the claims chart as to each defendant, each device or methodology that you claim violates your patents, and obviously identify the specific claims within those patents that read on those particular allegedly infringing products. That is going to give the defendant community a very clear picture, I think, of where the case is.

I will tell you I'm still thinking and I want the plaintiff to be thinking about this, too, creatively about a smart, economic approach to how to resolve this case. I think what I'm looking for is a kind of unified field theory for this case; in other words, is there one or two claims or patents or one or two methodologies that so permeate all the other technology we're talking about in this case that that's the meat and potatoes of this case. If the plaintiff can't win on those claims, they really aren't going to win on anything else.

And it would help you-all in making a truly rational assessment about settling to understand exactly where the core of the plaintiff's case is. Right now it's in my view sort of unwieldy.

And I've had a lot of patent cases, and even though I don't always understand the technology, I find ultimately most of them do get down to a core, a true core of intellectual property, and if you can get it down to that, you can really get the case more manageable. So that's the other sort of instruction I'll give you-all to be thinking about during this time period.

So at this point, I'm going to grant the defendant's motion to modify the pretrial, but I'm not going to give you any new deadlines yet. Instead, what I'm going to do is I need to check with Judge Buchanan, because I'm going to -- I'd rather give the plaintiff enough time to get that claims chart exact and to invite them if there are some claims that you want to drop at this point as you put that chart together, to drop them, all right? So that when the defendants get that claims chart, that's it.

But because the plaintiff has had plenty of time to think about this case and to structure it, you know, it's a lot like the U.S. Attorney's Office. It can be investigating a criminal case for three years, then they file it, and the defense has to scramble because they've only got a few weeks or months to defend.

In the same respect, I mean, I don't know whether in the

industry there were rumblings that this was coming so that you-all have had some preliminary notice, but the plaintiff has had plenty of time to think about how to litigate this case. I believe you've already filed an amended -- a first amended complaint.

I'm going to force the plaintiff to lock themselves into a position. That claims chart is it. I'm not going to allow any amendment, but I'll give you until the 12th so you have the time to finish it up, make it accurate, and the only change you can make to it afterwards is to take things out of it, in other words, to remove claims, but I want -- the defendants have a right at this point to know exactly what the parameters of this lawsuit are, and that should help you-all, and then I will talk with Judge Buchanan, and I'll give you at least a week after you get the claims chart before you have to go to that initial pretrial, all right?

But I want everybody to continue working together collegially to try to figure out smart proposals. I'm going to give Judge Buchanan some parameters to be thinking about, and either she or I will be involved in blessing that final discovery order.

I think -- I have an open mind to Mr. Cawley's argument if I'm satisfied that you've been able to streamline the discovery in a manageable fashion to perhaps keeping everybody in the case at least through the discovery process and perhaps the motions, but I know I'm not going to hear 13 separate *Markman* motions. I

mean, we're going to have to figure it out so it's one omnibus approach to *Markman*, and that may or may not be workable. We'll have to see.

But I know that if the case does not get resolved by settlement or by -- on motions, we're not going to have one trial with 13 defendants. I would not inflict that on any jury. So it will be broken apart at that point if it hasn't -- if it's still on the calendar.

Anything else, Mr. Reilly?

MR. REILLY: Yes, Your Honor, just one or two quick points.

THE COURT: Yes.

MR. REILLY: The first amended complaint was filed last week, and I'd like to ask the Court to consider changing the answer date for that given that we will get the content of what those allegations really mean when we see the claim chart.

Also, as the Court noted, as of last week, there had been one motion to dismiss counterclaims and affirmative defenses. Several more such motions have been filed but not noticed for hearing.

It seems to me that it might be best for managing the pleading and joinder of issue to have -- not have those motions to dismiss but allow the defendants to replead affirmative defenses and counterclaims in light of the claim chart and the amended complaint --

THE COURT: I think that makes more sense.

MR. REILLY: -- so that we not have, you know, ourselves to brief and the Court to have to rule upon these not 13 but several motions to dismiss.

THE COURT: I think that makes good sense. So the claims chart is coming in on Wednesday, May 12. How about two weeks to file amended answers and/or counterclaims, which would be Wednesday, May 26?

So I'm going to deem all of the -- the motions to dismiss that have been filed at this point as to the counterclaims I'll deem to be sort of at this point -- well, I won't do anything with them, but they're just going to sit. They have not been noticed for argument, okay.

I can tell you that if you want hearings in this case, I probably will not do the motions in this case on a Friday, because I just think they will probably take longer, and what I think I should do is give you some dates in June where you could comfortably notice something. I think we're talking late June by the time we would have your amended answers and counterclaims in, motion to dismiss, and time to respond to them.

Thursday, June 24, at 10:00? That should enable us to weed out some of these matters at that point. Now, if there are no motions, that's fine, but if you're going to file any motions that I need to address, that's a good date in June.

And then in July -- I'm just going to keep these dates

open on my calendar so you know you can go ahead and schedule things, all right? How about Thursday, July 22, all right? So that's going to be sort of -- those are both at 10:00. That's the second day I'll give you for TecSec motions.

And we'll just wait to see what is evolving at that point, but that, I think, will be the pattern. I think you can sort of assume that it will be the Thursday -- a Thursday motions date that I'll set aside for this case, all right?

Are there any other matters, Mr. Reilly?

MR. REILLY: No, Your Honor, thank you.

THE COURT: Mr. Cawley, you're all set?

Mr. Reilly?

MR. REILLY: There were a couple of things that we were talking with the plaintiffs about, and I just wanted to alert the Court and the plaintiffs that we would want to probably talk with them about the initial disclosure date. We've obviously been absorbed with this, and we have -- had agreed upon an initial disclosure date. The plain vanilla Rule 26(a)(1), we'll probably revisit that with the plaintiffs about when we would be serving those. And then also, there are outstanding discovery objections we probably need to discuss with the plaintiffs when we're getting close to them.

THE COURT: All right. Now, I will tell you most likely your 16(b) with Judge Buchanan -- and again, I have to check with her calendar -- will most likely be within the first two weeks of

June. It's going to be -- it will come soon. So that gives you a little extra breathing space.

As I said, I really urge you, both sides to think about what you can do to streamline this litigation. It's in everybody's interest. Otherwise, you know, millions of dollars are going to be spent on litigation. If you can, you know, whittle it down to what really has to get resolved, it would make it -- be much smarter.

And there may be some issues that are more key to the claims against IBM than the claims again eBay. I mean, I understand that, but, you know, if each group of defendants could work with the plaintiff to figure out what's the core of this litigation, it would just make it much better to do it that way, all right?

MR. REILLY: Thank you, Your Honor.

THE COURT: Very good. All right, we'll recess court. We have a significant number of admissions, and we'll reconvene in five minutes.

(Which were all the proceedings at this time.)

CERTIFICATE OF THE REPORTER

I certify that the foregoing is a correct transcript of the record of proceedings in the above-entitled matter.

/s/
Anneliese J. Thomson