

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

ONE-BLUE, LLC, KONINKLIJKE PHILIPS
N.V., PANASONIC CORPORATION,
PIONEER CORPORATION, and SONY
CORPORATION,

Plaintiffs,

v.

IMATION CORP.,

Defendant.

C.A. No. 1:13-cv-00917 (LPS)

~~DEFENDANT'S PROPOSED
BIFURCATION OF DISCOVERY AND
TRIAL~~

LPS

The Court having determined after written submissions by the parties and telephonic presentation of arguments that this patent case can be most efficiently resolved by first resolving issues relating to a determination of a fair, reasonable, and non-discriminatory royalty ("FRAND") rate, discovery, dispositive motion practice, and trial shall be bifurcated into separate FRAND Issues and Liability Issues, as more specifically described in this Order.

IT IS ORDERED that:

1. FRAND Issues shall include the following topics:
 - a. License terms previously granted by Plaintiffs, including grant-back or rebate terms;
 - b. Patent pool membership and criteria, and associated commitments made in connection with creation of standards for Blu-ray discs;
 - c. Prior determinations by Plaintiffs as to essentiality of patents-in-suit;
 - d. Total numbers of Blu-ray essential patents;
 - e. Information from the Blu-ray Disc Association relating to FRAND rates for

the patents-in-suit;

- f. Other facts relating to determination of a reasonable royalty or licensing rate for the patents-in-suit, including but not limited to such rates for CDs or DVDs; and
- g. A tutorial on Blu-ray disc technology, if the parties or the Court conclude that such a submission would be useful.

2. Liability Issues shall include all remaining topics, including:

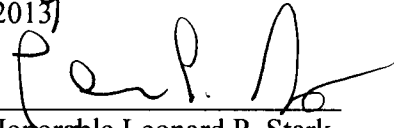
- a. Claim construction of the patents-in-suit;
- b. Whether the patents-in-suit are valid and enforceable;
- c. Whether Defendant infringes the patents-in-suit; and
- d. Specific products offered or sold by Defendants to which a FRAND licensing rate applies.

3. Discovery Cut Off Dates. All fact discovery relating to FRAND issues shall be completed on or before June 30, 2014, and expert discovery relating to FRAND issues shall be completed on or before July 31, 2014. Liability Fact discovery relevant to the remaining issues in this litigation, including validity and infringement, shall be completed on or before January 31, 2015; and expert discovery shall be completed on or before February 27, 2015.

LPA

4. Other issues relating to the conduct of discovery shall be as determined by the Court pursuant to the parties' previously submitted Proposed Scheduling Order.

SO ORDERED this 7th day of January, 2014


Honorable Leonard P. Stark
United States District Court Judge