

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: VEHICLE TRACKING AND
SECURITY SYSTEM ('844) PATENT
LITIGATION

MDL No. 11-2249 (DWF/SER)

This Document Relates to All Actions

PRETRIAL ORDER NO. 5

The Judicial Panel on Multidistrict Litigation transferred actions in the above-captioned matter to this Court for coordinated and consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Pursuant to this Court's jurisdiction over these actions, this Court hereby enters the following order:

1. Caption of Case. All Orders, pleadings, motions and other documents served or filed in this Action shall have the following caption:

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: VEHICLE TRACKING AND
SECURITY SYSTEM ('844) PATENT
LITIGATION

MDL No. 11-2249 (DWF/SER)

This Document Relates to ["All Actions"
or specify by title and case number the
individual applicable cases if the document
relates to less than all of the consolidated
cases.]

(Name of Document)

2. Docket and Filing Procedures.

a. Master Docket and File. The Clerk will maintain a Master Docket and case file under the style set forth in paragraph 1, above. All Orders, pleadings, motions and other documents will, when filed and docketed in the master case file, be deemed filed and docketed in each individual case to the extent applicable.

While the Master Docket in this action does not list the attorneys for Plaintiff or Defendants on the docket, all attorneys of record in the master file and the individual cases are included as MDL - Notice Only party types in the master file. This ensures that all attorneys of record in the individual cases receive ECF notification when a document is filed in the master file only.

b. Separate Dockets and Files. The Clerk maintains a separate docket for each case removed or transferred to this Court. Each such case has been assigned a new case number in this Court.

c. Captions and Separate Filing. Orders, pleadings, motions, and other documents will bear the caption set forth in paragraph 1, above. If generally applicable to all actions, they shall include in their caption the notation that they relate to “ALL ACTIONS” and shall be filed and docketed only in the master file. As set forth in paragraph 1, documents intended to apply only to particular cases will indicate in their caption the

case number of the case(s) to which they apply and will be filed and docketed in the master case file and specified individual case file(s).

d. Address, Number of Copies, and Electronic Filing. When filing documents relating to “ALL ACTIONS” with the Court, the parties will comply with the Court’s requirements as to electronic filing and the documents shall be filed on the ECF system under the master file. When filing documents relating to a particular case or cases, the documents shall be filed on the ECF system under both the master file and the particular case. For all motions and briefs, send two courtesy copies of memoranda and one copy of the attachments to each of the Judges’ Chambers (The Honorable Donovan W. Frank, Room 724; The Honorable Steven E. Rau, Room 334; Warren E. Burger Federal Building, 316 North Robert Street, St. Paul, Minnesota 55101). In addition, proposed orders should be sent in WordPerfect or Word to the appropriate Chambers e-mail box at frank_chambers@mnd.uscourts.gov; rau_chambers@mnd.uscourts.gov.

e. Discovery Requests and Responses. Pursuant to Fed. R. Civ. P. 5(d), discovery requests and responses will not be filed with the Court except when specifically ordered by the Court or to the extent offered in connection with a motion.

f. Rules of Civil Procedure. All actions in this MDL shall be governed by the Federal Rules of Civil Procedure and the Local Rules for

the District of Minnesota, including Local Rules 72.1 (“Magistrate Judge Duties”) and 72.2 (“Review of Magistrate Judge Rulings”).

3. Admission of Counsel. Attorneys admitted to practice and in good standing in any United States District Court are admitted as MDL attorneys in in this litigation. Association of local co-counsel is not required. All counsel are expected to familiarize themselves with the Local Rules of this Court, the American Bar Association’s *Civil Discovery Standards*, as well as *The Manual for Complex Litigation 4th* (Federal Judicial Center 2004), which the Court and parties may be called upon to refer to as a resource in the case management of this litigation. It is necessary to obtain a login and password to file electronically. Instructions regarding electronic filing and how to obtain a login and password in the District of Minnesota are available on the Court’s website (<http://www.mnd.uscourts.gov>) under the main MDL page.

4. Official Court Website. The Court has created and will maintain a website devoted solely to the Vehicle Tracking and Security System (’844) Patent Litigation, found at <http://www.mnd.uscourts.gov/MDL-Vehicle Tracking/index.shtml>. Through the website, parties may access, as may be established, Court Orders, Court Minutes, Court Transcripts, Local Rules and PACER.

5. Transcript Payment. The Official Transcript of all hearings shall be posted on the Vehicle Tracking website. The cost of the expedited Official Transcript shall be borne by the Plaintiff and Defendants equally. Payment is to be made within fourteen (14) days of receipt of the Court Reporter’s invoice.

6. Status Conferences. The Court will convene Status Conferences at its discretion. Counsel for each side shall meet and confer in advance of each Status Conference and submit to the Court a joint Agenda and Status Conference report listing matters to be considered by the Court at the Status Conference.

Status Conferences shall be regularly scheduled by the Court to permit substantial advance notice to all parties. Except as otherwise provided herein, and to accommodate the schedules of the Court and the parties, all argument or hearing on any motion will be scheduled to coincide with calendared Status Conferences. Any hearing or oral argument deemed necessary by the Court on motions that require a ruling on an expedited basis will be scheduled with notice of at least five business days. If circumstances warrant, the Court may shorten a notice period.

The next Status Conference is scheduled for Wednesday, July 11, 2012, at 9:00 a.m., in Courtroom 7C, Warren E. Burger Federal Building, 316 North Robert Street, St. Paul, Minnesota. Future Status Conferences will take place on Wednesday, September 12, 2012; Wednesday, October 10, 2012; Wednesday, November 7, 2012; and Wednesday, December 5, 2012.

At the next and all future Status Conferences, the parties are to provide the Court, within four business days before each Status Conference, an agreed upon agenda for the conference, and to provide a brief—one to two paragraph—summary of the party positions as to any disputed issues.

Further, unless otherwise ordered herein, it shall be the intent of the Court to commence each Status Conference in chambers with counsel before moving to the courtroom.

7. July 11, 2012 Status Conference.

The parties agreed to a briefing schedule to address the issue of the sufficiency of the infringement contentions, including Saia Motor Freight Line, LLC's motion and request seeking an order dismissing PJC's infringement claims.

8. Discovery is stayed pending the Court's ruling on the issue set forth in paragraph 7.

9. Motions. All future motions shall be filed formally with the Court, as opposed to in letter format, subject to any page limitations imposed by the Court.

Dated: May 31, 2012

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge