

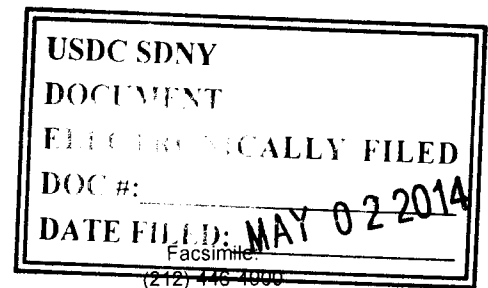
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May 1, 2014

VIA ECF

Hon. Katherine B. Forrest
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *JobDiva, Inc. v. Monster Worldwide, Inc.*, No. 13 Civ. 8229 (S.D.N.Y.)

Dear Judge Forrest:

I am counsel to Plaintiff and Counterclaim-Defendant JobDiva, Inc. ("JobDiva"). Pursuant to the Court's March 12, 2014 Scheduling Order (D.I. 32), I submit this joint letter on behalf of JobDiva and Defendant and Counterclaim-Plaintiff Monster Worldwide, Inc. ("Monster") (collectively the "Parties"), outlining the Parties' proposed logistics for the claim-construction hearing and their views as to whether there should be a separate technology tutorial.

- **Length of hearing.** The Parties believe that the claim-construction hearing should last no more than one-half day.
- **Date of hearing.** In response to the Court's April 29, 2014 email to the Parties, the Parties reply that they are amenable to moving the hearing date from Thursday, June 26, 2014 to Friday, June 27, 2014.
- **Format of hearing.** The Parties propose that the constructions of disputed terms be argued on a patent-by-patent basis as outlined below:
 - The patentee would argue its proposed constructions for one entire patent;¹

¹ JobDiva alleges that Monster infringes U.S. Pat. No. 7,711,573 (the "573 patent"), U.S. Pat. No. 8,234,221 (the "221 patent"), U.S. Pat. No. 8,280,823 (the "823 patent"), and U.S. Pat. No. 8,463,715 (the "715 patent"). Monster alleges that JobDiva infringes U.S. Pat. No. 5,832,497 (the "497 patent").

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- The Party accused of infringement would then argue its responsive claim constructions for that patent; and
- The patentee would then be given an opportunity for rebuttal.
- This process would be repeated for each asserted patent.
- There are six terms proposed for construction that apply to two or more of the '823, '573, '715, and '221 patents (*see* D.I. 34 at 6-10), and those terms would be addressed together as a group, and separately from the remaining patents.
- **Use of Audio-Visual Equipment.** The argument would include PowerPoint® slides or other media presented using audio-visual equipment including a laptop computer connected to a projector or other device.²
- **Use of Experts.** The Parties propose to rely on expert declarations, and not call their experts at the hearing.
- **Technology Tutorial.** The Parties do not believe that a separate technology tutorial is necessary for the Court to understand these patents, and therefore do not propose to present a separate tutorial.

Respectfully submitted,

/s/ Todd M. Friedman

Todd M. Friedman, P.C.

cc: Counsel of record

Ordered
Sounds like a plan. (Acceptable
to the Court.)
5/1/14 KBF
is DJ

² The Parties will request a "basic installation" from the Office of Courtroom Technology/AV Services, and will file a separate Application to Bring Personal Electronic Device(s) or General Purpose Computing Device(s) into the Courthouses of the Southern District of New York for use in a Proceeding or Trial.