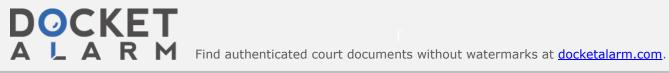
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17	ZTE (USA) Inc.			
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10	UNITED STATES DISTRICT COURT			
19	NORTHERN DISTRICT OF CALIFORNIA			
	OAKLAND DIVISION			
20		,		
21) Case Number: 4:18-cv-06185-HSG		
21) Case (\unifoet, 4.16-ev-00165-1150		
22	ZTE (USA) INC.,) JOINT STIPULATION AND		
		ORDER TO AMEND		
23	Plaintiff(s),	SCHEDULING ORDER (DKT. 99)		
)		
24	VS.))		
25	AGIS SOFTWARE DEVELOPMENT LLC,	,)		
26	Defendant(s).))		
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JOINT STIPULATION AND [PROPOSED] ORDER TO AMEND SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16(b), Civil Local Rules 6-2 and 7-12, and the Court's Scheduling Order (Dkt. 99), Plaintiff ZTE (USA) Inc. ("ZTE") and Defendant AGIS Software Development LLC ("AGIS Software") (collectively, the "Parties"), hereby stipulate and agree as follows:

WHEREAS, on April 15, 2019, the Court signed and entered an amended Scheduling Order (Dkt. 63), which modified the initial Scheduling Order (Dkt. 25);

WHEREAS, on May 17, 2019, to allow the Parties time to confer regarding the Parties' discovery disputes, the Court granted the Parties' request to extend the deadline for Plaintiff's Invalidity Contentions and Production from May 20, 2019 to June 3, 2019, and extend the Parties' Exchange of Proposed Claim terms from June 3, 2019 to June 10, 2019 (Dkt. 73);

WHEREAS, on June 14, 2019, the Parties met and conferred in Magistrate Judge Spero's courtroom to discuss certain discovery disputes;

WHEREAS, on June 21, 2019, to allow the Parties sufficient time to resolve their discovery disputes as agreed during the June 14, 2019 conference, the Court signed and entered an amended Scheduling Order (Dkt. 92), which modified the previous Scheduling Order (Dkt. 73);

WHEREAS, on August 12, 2019, to allow the Parties additional time to confer regarding the on-going discovery disputes and the Joint Claim Construction and Prehearing Statement; the Court signed and entered an amended Scheduling Order (Dkt. 99), which modified the previous Scheduling Order (Dkt. 92);

WHEREAS, on August 6, 2019, ZTE requested an in-person meeting of lead counsel to discuss certain discovery disputes, pursuant to Magistrate Judge Spero's Standing Order ¶ 15 and Dkt. 81 at 2;

WHEREAS, on August 15, 2019, the Parties met and conferred in-person, pursuant to ZTE's request and Magistrate Judge Spero's Standing Order and Dkt. 81. AGIS Software agreed



to produce two deposition transcripts, and the Parties agreed to permit an exchange of amended Preliminary Claim Constructions and Extrinsic Evidence pursuant to Local Patent Rule 4-2 by August 23, 2019.¹ The Parties further agreed that AGIS Software would serve amended Infringement Contentions to reflect the Parties' agreements by September 3, 2019, and that ZTE would serve amended Invalidity Contentions within 21 days of receipt of AGIS Software's amended Infringement Contentions, by September 24, 2019.²

WHEREAS, to allow the Parties time to resolve their discovery disputes as agreed during the August 15, 2019 conference, the Parties have agreed that good cause exists to extend the discovery deadlines as described below;³

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendant, through their respective undersigned counsel, that AGIS Software will serve amended Infringement Contentions by September 3, 2019; ZTE will serve amended Invalidity Contentions by September 24, 2019; the Parties will exchange amended Preliminary Claim Constructions and Extrinsic Evidence by August 23, 2019; and the following upcoming deadlines set forth in Scheduling Order (Dkt. 99) be modified as follows:

Event	Previous Deadlines	Amended Deadlines
Joint Claim Construction and	August 21, 2019	September 6, 2019
Prehearing Statement		
Exchange Expert Declarations	August 21, 2019	September 6, 2019
in Support of Claim		
Construction, if Any		
Responsive Damages	September 13, 2019	September 13, 2019
Contentions		(same)
Complete Claim Construction	September 23, 2019	October 7, 2019
Discovery		
Submit Opening Claim	October 7, 2019	October 21, 2019
Construction Brief		

¹ AGIS Software produced the two deposition transcripts to ZTE on August 16, 2019.

³ The Parties note that, as Defendant's Motion to Dismiss (Dkt. 41) is still pending, Defendant AGIS Software has not yet filed an answer to Plaintiff ZTE's complaint or alleged infringement against ZTE. The Parties are nonetheless proceeding in order to comply with the deadlines set forth in the Court's scheduling orders.



² The Parties intend to file a Joint Letter to the Court summarizing the agreements made at the conference by August 20, 2019, as required by Magistrate Judge Spero's Order (Dkt. 81).

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Submit Responsive Claim Construction Brief	October 21, 2019	November 4, 2019
Submit Reply Claim Construction Brief	October 28, 2019	November 11, 2019
Claim Construction Hearing	December 4, 2019; 1:00	December 18, 2019; 1:00
	p.m.	p.m.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: August 20, 2019 Respectfully submitted,

/s/ Bradford C. Schulz

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Dated: August 20, 2019

Respectfully submitted,

/s/ Alessandra C. Messing

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