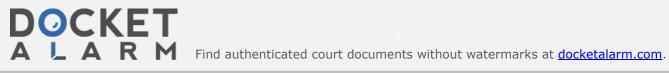
Case 4:18-cv-06185-HSG Document 111 Filed 09/05/19 Page 1 of 6

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19	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION		
20	O'MEAN (
21		Case Number: 4:18-cv-06185-HSG	
22	ZTE (USA) INC.,	JOINT STIPULATION AND ORDER TO AMEND	
23	Plaintiff(s),	SCHEDULING ORDER (DKT. 102)	
24	vs.		
25	AGIS SOFTWARE DEVELOPMENT LLC,		
26	Defendant(s).		
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•	I .		



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. 102), 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 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 15, 2019, the Parties met and conferred in-person, pursuant to ZTE's request and Magistrate Judge Spero's Standing Order and Dkt. 81. 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. *See* Dkt. 101.

WHEREAS, on September 4, 2019, the Parties agreed to extend the September 3, 2019

and September 24, 2019 deadlines by one week for serving the respective amended Infringement Contentions and amended Invalidity Contentions.¹

WHEREAS, on September 4, 2019, the Parties further agreed to extend the deadlines for the Exchange of Expert Declarations in Support of the Claim Construction from September 6, 2019 to October 21, 2019 and November 4, 2019 for each respective Opening Claim Construction Brief; and the Parties agreed to extend the Completion of Claim Construction Discovery from October 21, 2019 to December 6, 2019.

WHEREAS, to allow the Parties time to resolve their discovery disputes as agreed during the August 15, 2019 conference, and to submit expert declarations with each Parties' respective claim construction brief, the Parties have agreed that good cause exists to extend the deadlines as described below;²

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 10, 2019; ZTE will serve amended Invalidity Contentions by October 1, 2019; and the following upcoming deadlines set forth in Scheduling Order (Dkt. 102) be modified as follows:

Event	Previous Deadlines	Amended Deadlines
Joint Claim Construction and	September 6, 2019	September 6, 2019
Prehearing Statement		(same)
Exchange Expert Declarations in Support of Claim Construction, if Any	September 6, 2019	October 21, 2019 for Opening Claim Construction Brief and November 4, 2019 for Responsive Claim Construction Brief
Responsive Damages	September 13, 2019 (same)	September 13, 2019
Contentions		(same)
Complete Claim Construction	October 7, 2019	December 6, 2019

¹ The Parties intend to file an update to the to the August 20, 2019 Joint Letter to Magistrate Judge Spero (Dkt. 101) informing the Court of the parties' agreement to amend these deadlines. ² 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.



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Discovery		
Submit Opening Claim	October 21, 2019	October 21, 2019
Construction Brief		(same)
Submit Responsive Claim	November 4, 2019	November 4, 2019
Construction Brief	·	(same)
Submit Reply Claim	November 11, 2019	November 11, 2019
Construction Brief		(same)
Claim Construction Hearing	December 18, 2019; 1:00	December 18, 2019; 1:00
	p.m.	p.m.
		(same)

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: September 4, 2019 Respectfully submitted,

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1 Attorneys for Plaintiff 2 ZTE (USA) Inc. 3 Dated: September 4, 2019 Respectfully submitted, 4 5 /s/ Sarah G. Hartman Peter Lambrianakos (pro hac vice) 6 plambrianakos@brownrudnick.com Vincent J. Rubino, III (pro hac vice) 7 vrubino@brownrudnick.com 8 Alfred R. Fabricant (pro hac vice) afabricant@brownrudnick.com 9 Alessandra C. Messing (pro hac vice) amessing@brownrudnick.com 10 Brown Rudnick LLP 7 Times Square 11 New York, NY 10036 12 Telephone: (212) 209-4800 Facsimile: (212) 209-4801 13 Sarah G. Hartman (Cal. Bar No. 281751) 14 shartman@brownrudnick.com 15 Arjun Sivakumar (Cal. Bar No. 297787) asivakumar@brownrudnick.com 16 Brown Rudnick LLP 2211 Michelson Drive, Seventh Floor 17 Irvine, California 92612 18 Telephone: (949) 752-7100 Facsimile: (949) 252-1514 19 Attorneys for Defendant 20 AGIS SOFTWARE DEVELOPMENT LLC 21 22 23 24 25 26 27 28



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