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14 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION
15

16 Case No. 18-cv-06185-HSG

17 ZTE (USA) INC.,

18 Plaintiff,

19 v.

20 AGIS SOFTWARE DEVELOPMENT LLC, et
al.

21 Defendants.
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**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO AMEND SCHEDULING ORDER
(DKT. 25)**

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. 25), Defendant AGIS Software Development LLC ("AGIS Software") and Plaintiff ZTE (USA) Inc. ("ZTE") (collectively, "the Parties"), hereby stipulate and agree as follows:

WHEREAS, on October 9, 2018, ZTE filed its initial Complaint seeking a judicial declaration of non-infringement, invalidity, and/or unenforceability as to the patents-in-suit against AGIS Software, AGIS Holdings, Inc. ("AGIS Holdings"), and Advanced Ground Information Systems, Inc. ("AGIS, Inc.") (Dkt. 1);

WHEREAS, on December 31, 2018, ZTE filed a First Amended Complaint ("FAC") removing AGIS Holdings and AGIS, Inc. as named defendants, but continuing to assert claims against AGIS Software (Dkt. 18);

WHEREAS, on January 17, 2019, the Court signed and entered the Scheduling Order (Dkt. 25), which set the following dates:

Event	Date
Amendment of Complaint	March 15, 2019
Defendant's Disclosure of Asserted Claims and Infringement Contentions	April 15, 2019
Defendant's Production	April 15, 2019
Deadline for the Parties to Submit a Proposed Protective Order	April 22, 2019
Deadlines for the Parties to Submit a Proposed ESI Order	April 22, 2019
Deadlines for the Parties to Submit a Proposed Discovery Order	April 22, 2019
Plaintiff's Invalidity Contentions	April 29, 2019
Plaintiff's Production	April 29, 2019
Exchange Proposed Claim Terms	May 13, 2019
Exchange Preliminary Claim Constructions and Extrinsic Evidence	June 3, 2019
Damages Contentions	June 10, 2019
Joint Claim Construction and Prehearing Statement	June 12, 2019
Exchange Expert Declarations in Support of Claim Construction, if Any	June 12, 2019
Responsive Damages Contentions	July 8, 2019
Complete Claim Construction Discovery	July 15, 2019

1	Submit Opening Claim Construction Brief	July 30, 2019
2	Submit Responsive Claim Construction Brief	August 13, 2019
3	Submit Reply Claim Construction Brief	August 20, 2019
4	Claim Construction Hearing	September 11, 2019; 1:00 p.m.

5 **WHEREAS**, after the Court entered the Scheduling Order, on February 5, 2019, ZTE filed a
6 Second Amended Complaint (“SAC”), removing ZTE’s claims of invalidity of the patents-in-suit;

7 **WHEREAS**, on February 19, 2019, AGIS Software filed a Motion to Dismiss the SAC
8 (“MTD”), with a hearing scheduled for May 9, 2019 (Dkt. 41);

9 **WHEREAS**, on March 15, 2019, AGIS Software filed a Motion for Sanctions against ZTE,
10 with a hearing scheduled for June 6, 2019 (Dkt. 48);

11 **WHEREAS**, on April 4, 2019, in order to allow sufficient time for the Parties to complete
12 mediation, the Court granted the Parties’ request to extend the ADR deadline from April 17, 2019 to
13 June 21, 2019 (Dkt. 56);

14 **WHEREAS**, on April 9, 2019, in accordance with the Court’s April 2, 2019 Order, ZTE
15 resubmitted its opposition brief to the MTD (Dkt. 59);

16 **WHEREAS**, also on April 9, 2019, the Parties confirmed with JAMS that they will engage
17 in mediation on June 4, 2019 with Hon. James Ware (Ret.) as Mediator;

18 **WHEREAS**, AGIS Software’s reply brief in response to ZTE’s resubmitted opposition to
19 the MTD is due to be filed on April 16, 2019;

20 **WHEREAS**, considering the status of the case, the pendency of the motions (including a
21 dispositive motion) and the upcoming mediation, the Parties have agreed that good cause exists for a
22 3 week extension of all upcoming deadlines set forth in the Scheduling Order, as such extension will
23 permit more efficient case management, serve the interests in judicial economy, and ensure the most
24 efficient use of the Court’s and the Parties’ resources;

25 **WHEREAS**, the Parties have not previously requested an extension of these deadlines, and
26 the Parties do not believe the requested 3-week extension of the currently-scheduled deadlines will
27 have a material impact on the schedule for the case;

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1 **IT IS HEREBY STIPULATED AND AGREED**, by and between Plaintiff and Defendant,
 2 through their respective undersigned counsel, that the upcoming deadlines set forth in the Scheduling
 3 Order (Dkt. 25) be continued by 3 weeks, as follows:

Event	Previous Dates	Amended Dates
Defendant's Disclosure of Asserted Claims and Infringement Contentions	April 15, 2019	May 6, 2019
Defendant's Production	April 15, 2019	May 6, 2019
Deadline for the Parties to Submit a Proposed Protective Order	April 22, 2019	May 13, 2019
Deadlines for the Parties to Submit a Proposed ESI Order	April 22, 2019	May 13, 2019
Deadlines for the Parties to Submit a Proposed Discovery Order	April 22, 2019	May 13, 2019
Plaintiff's Invalidity Contentions	April 29, 2019	May 20, 2019
Plaintiff's Production	April 29, 2019	May 20, 2019
Exchange Proposed Claim Terms	May 13, 2019	June 3, 2019
Exchange Preliminary Claim Constructions and Extrinsic Evidence	June 3, 2019	June 24, 2019
Damages Contentions	June 10, 2019	July 1, 2019
Joint Claim Construction and Prehearing Statement	June 12, 2019	July 3, 2019
Exchange Expert Declarations in Support of Claim Construction, if Any	June 12, 2019	July 3, 2019
Responsive Damages Contentions	July 8, 2019	July 29, 2019
Complete Claim Construction Discovery	July 15, 2019	August 5, 2019
Submit Opening Claim Construction Brief	July 30, 2019	August 20, 2019
Submit Responsive Claim Construction Brief	August 13, 2019	September 3, 2019
Submit Reply Claim Construction Brief	August 20, 2019	September 10, 2019
Claim Construction Hearing	September 11, 2019; 1:00 p.m.	October 2, 2019; 1:00 p.m.

26 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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2 Date: April 12, 2019

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18 Dated: April 12, 2019

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20 By: /s/Lionel M. Lavenue
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