

1 Michael Liu Su (Cal. Bar No. 300590)  
2 michael.liu.su@finnegan.com  
3 FINNEGAN, HENDERSON, FARABOW,  
4 GARRETT & DUNNER, LLP  
5 3300 Hillview Avenue  
6 Palo Alto, CA 94304  
7 Telephone: (650) 849-6600  
8 Facsimile: (650) 849-6666

9 Lionel M. Lavenue (*pro hac vice*)  
10 lionel.lavenue@finnegan.com  
11 Bradford C. Schulz (*pro hac vice*)  
12 bradford.schulz@finnegan.com  
13 FINNEGAN, HENDERSON, FARABOW,  
14 GARRETT & DUNNER, LLP  
15 Two Freedom Square  
16 11955 Freedom Drive  
17 Reston, VA 20190  
18 Telephone: (571) 203-2700  
19 Facsimile: (202) 408-4400

20 Attorneys for Plaintiff  
21 ZTE (USA) Inc.

Alfred R. Fabricant (*pro hac vice*)  
afabricant@brownrudnick.com  
Peter Lambrianakos (*pro hac vice*)  
plambrianakos@brownrudnick.com  
Vincent J. Rubino, III (*pro hac vice*)  
vrubino@brownrudnick.com  
Brown Rudnick LLP  
7 Times Square  
New York, NY 10036  
Telephone: (212) 209-4800  
Facsimile: (212) 209-4801

Sarah G. Hartman (Cal. Bar No. 281751)  
shartman@brownrudnick.com  
Arjun Sivakumar (Cal. Bar No. 297787)  
asivakumar@brownrudnick.com  
Brown Rudnick LLP  
2211 Michelson Drive, Seventh Floor  
Irvine, California 92612  
Telephone: (949) 752-7100  
Facsimile: (949) 252-1514

Attorneys for Defendant AGIS SOFTWARE  
DEVELOPMENT LLC

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

ZTE (USA) INC.,

Plaintiff(s),

vs.

AGIS SOFTWARE DEVELOPMENT LLC,

Defendant(s).

)  
) Case Number: 4:18-cv-06185-HSG  
) (Former Case No. 2:17-cv-00517-JRG) (E.D.  
) Tex.)

) **JOINT STIPULATION AND**  
) **ORDER TO AMEND**  
) **SCHEDULING ORDER AND EXTEND**  
) **ADR DEADLINE (DKT. 92)**

1                                   **JOINT STIPULATION AND ORDER TO AMEND SCHEDULING**  
2                                   **ORDER AND EXTEND ADR DEADLINE**

3                   Pursuant to Federal Rule of Civil Procedure 16(b), Civil Local Rules 6-2 and 7-12, and  
4 the Court’s Scheduling Order and the Order re: ADR Deadline (Dkt. 92), Plaintiff ZTE (USA)  
5 Inc. (“ZTE”) and Defendant AGIS Software Development LLC (“AGIS Software”) (collectively,  
6 the “Parties”), hereby stipulate and agree as follows:

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

9                   **WHEREAS**, on May 17, 2019, to allow the Parties time to confer regarding the Parties’  
10 discovery disputes, the Court granted the Parties’ request to extend Plaintiff’s Invalidation  
11 Contentions and Plaintiff’s Production from May 20, 2019 to June 3, 2019; and the Court  
12 granted the Parties’ request to extend the Parties’ Exchange of Proposed Claim terms from June  
13 3, 2019 to June 10, 2019 (Dkt. 73);

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

16                   **WHEREAS**, on June 21, 2019, the Court signed and entered an amended Scheduling  
17 Order (Dkt. 92), which modified the previous Scheduling Order (Dkt. 73), to allow the Parties  
18 time to resolve such discovery disputes as agreed during the June 14, 2019 meet and confer;

19                   **WHEREAS**, to allow the Parties time to confer regarding the on-going discovery  
20 disputes and the Parties’ Local Patent Rule 4-3 Joint Claim Construction and Prehearing  
21 Statement; the Parties’ request to extend the Joint Claim Construction and Prehearing Statement  
22 from August 13, 2019 to August 21, 2019 and additional upcoming deadlines;<sup>1</sup>

23                   **IT IS HEREBY STIPULATED AND AGREED**, by and between Plaintiff and  
24

25 \_\_\_\_\_  
26 <sup>1</sup> The Parties note that, as Defendant’s Motion to Dismiss (Dkt. 41) is still pending, Defendant  
27 AGIS Software has not yet filed an answer to Plaintiff ZTE’s complaint or alleged infringement  
28 against ZTE. The Parties are nonetheless proceeding in order to comply with the deadlines set  
forth in the Court’s scheduling orders.

1 Defendant, through their respective undersigned counsel, that the upcoming deadlines set forth in  
 2 the Scheduling Order (Dkt. 92) be modified as follows:

Event	Previous Dates	Amended Dates
Joint Claim Construction and Prehearing Statement	August 13, 2019	August 21, 2019
Exchange Expert Declarations in Support of Claim Construction, if Any	August 13, 2019	August 21, 2019
Responsive Damages Contentions	September 6, 2019	September 13, 2019
Complete Claim Construction Discovery	September 13, 2019	September 23, 2019
Submit Opening Claim Construction Brief	September 30, 2019	October 7, 2019
Submit Responsive Claim Construction Brief	October 14, 2019	October 21, 2019
Submit Reply Claim Construction Brief	October 21, 2019	October 28, 2019
Claim Construction Hearing	November 20, 2019; 1:00 p.m.	December 4, 2019; 1:00 p.m.

14  
 15 **WHEREAS**, on April 4, 2019, to allow sufficient time for the Parties to complete  
 16 mediation, the Court granted the Parties' request to extend the ADR deadline from April 17,  
 17 2019 to June 21, 2019 (Dkt. 56);

18 **WHEREAS**, the parties were scheduled to conduct mediation on June 4, 2019 with Hon.  
 19 James Ware (Ret.) as mediator, however, due to a medical emergency of the mediator, the  
 20 Parties were unable to complete mediation on that date,

21 **WHEREAS**, on June 21, 2019, the Court granted the Parties' request to extend the ADR  
 22 deadline from June 21, 2019 to August 23, 2019 (Dkt. 92);

23 **WHEREAS**, Judge Ware and both Parties have indicated that they are available to  
 24 mediate at the end of September in New York, and are currently working to confirm and finalize  
 25 the details;

26 **WHEREAS**, to allow sufficient time for the Parties to complete the rescheduled  
 27 mediation, the Parties have agreed that good cause exists to extend the ADR deadline to October  
 28



1 plambrianakos@brownrudnick.com  
2 Vincent J. Rubino, III (pro hac vice)  
3 vrubino@brownrudnick.com  
4 Brown Rudnick LLP  
5 7 Times Square  
6 New York, NY 10036  
7 Telephone: (212) 209-4800  
8 Facsimile: (212) 209-4801

9 Sarah G. Hartman (Cal. Bar No. 281751)  
10 shartman@brownrudnick.com  
11 Arjun Sivakumar (Cal. Bar No. 297787)  
12 asivakumar@brownrudnick.com  
13 Brown Rudnick LLP  
14 2211 Michelson Drive, Seventh Floor  
15 Irvine, California 92612  
16 Telephone: (949) 752-7100  
17 Facsimile: (949) 252-1514

18 Attorneys for Defendant  
19 AGIS SOFTWARE DEVELOPMENT LLC

20 **ATTESTATION**

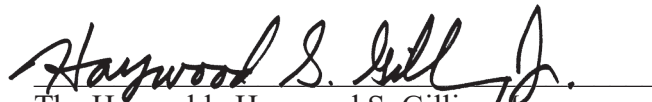
21 I, Bradford C. Schulz, hereby attest that concurrence in the filing of this document has  
22 been obtained from each of the other Signatories indicated by a confirmed signature (/s/) within  
23 this e-filed document.

24 /s/ Bradford C. Schulz

25 Bradford C. Schulz

26 **PURSUANT TO STIPULATION, IT IS SO ORDERED,**

27 Dated: 8/12/2019

28   
The Honorable Haywood S. Gilliam Jr.  
U.S. District Court Judge  
Northern District of California