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B&H MANUFACTURING COMPANY, INC.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

B&H MANUFACTURING CO., INC.

Plaintiff,

v.

SIDEL, INC.,

Defendant.

AND RELATED COUNTERCLAIMS.

Case No.: 07-cv-02208 MCE EFB

**STIPULATION AND ORDER RE CLAIM
CONSTRUCTION EXCHANGE**

1 The parties to this action, Plaintiff and Counterclaim Defendant B&H Manufacturing
2 Company, Inc. (“B&H”) and Defendant and Counterclaimant Sidel, Inc., hereby submit two
3 proposed schedules setting forth the dates for an exchange of claim terms that each side contends
4 require construction in this action. As the parties are currently attempting to schedule a mediation of
5 this matter for March 2009, and are submitting a proposed alteration of the Pretrial Scheduling
6 Order, the parties have set forth two alternative schedules: the first schedule is under the proposed
7 Pretrial Scheduling Order submitted to the Court on February 10, 2009, and the second is under the
8 current Pretrial Scheduling Order. The parties have conferred and respectfully submit that, for the
9 purpose of briefing the claim construction issues, the schedules below do not need to separately
10 account for the designation of terms based on the parties’ respective burdens of proof.

11 If the Claim Construction Hearing date is changed to June 5, 2009, pursuant to the
12 Stipulation and [Proposed] Order Re Amendments to Pretrial Scheduling Order submitted by the
13 parties, the parties, through undersigned counsel, hereby stipulate, subject to the approval of the
14 Court, that:

- 15 (1) No later than April 10, 2009, each party shall exchange a list of claim terms
16 which the serving party contends should be construed by the Court, along with
17 the serving party’s proposed construction of each such term;
- 18 (2) No later than April 17, 2009, having considered each other’s list of terms, the
19 parties shall exchange constructions for any terms previously construed by one
20 party, but not the other; and
- 21 (3) No later than April 22, 2009, the parties shall meet and confer to attempt to
22 narrow the number of claim terms which they contend require construction.

23 If the Claim Construction Hearing date remains set on April 3, 2009, the parties, through
24 undersigned counsel, hereby stipulate, subject to the approval of the Court, that:

- 25 (1) No later than February 24, 2009, each party shall exchange a list of claim terms
26 which the serving party contends should be construed by the Court, along with
27 the serving party’s proposed construction of each such term;
- 28 (2) No later than February 27, 2009, having considered each other’s list of terms, the

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parties shall exchange constructions for any terms previously construed by one party, but not the other; and

(3) No later than March 2, 2009, the parties shall meet and confer to attempt to narrow the number of claim terms which they contend require construction.

DATED: February 11, 2009 HAYNES AND BOONE LLP

By: /s/ Jennifer M. Lantz
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Attorneys for Plaintiff and Counterclaim Defendant
B&H Manufacturing Company, Inc.

DATED: February 11, 2009 SUGHRUE MION, PLLC

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Attorneys for Defendant and Counterclaim Plaintiff
SIDEL, INC.

ORDER

SO ORDERED.

DATED: February 12, 2009


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE