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14 Attorneys for Defendant
 15 ALBEMARLE CORPORATION

16 **UNITED STATES DISTRICT COURT**
 17 **EASTERN DISTRICT OF CALIFORNIA**
 18 **SACRAMENTO DIVISION**

19 ENVIRO TECH CHEMICAL SERVICES,
 20 INC., a California corporation,

21 Plaintiff,

22 vs.

23 ALBEMARLE CORPORATION, a Virginia
 24 corporation,

25 Defendant.

26 AND RELATED COUNTERCLAIM.

27 **Case No.: 2:08-CV-00374 KJM**

28 **STIPULATION AND ORDER TO
 FURTHER MODIFY SCHEDULING
 ORDER**

29 Defendant Albemarle Corporation and Plaintiff Enviro Tech Chemical Services, Inc., by
 30 and through their undersigned counsel, hereby stipulate, pursuant to Local Rule 83-143, and
 31 mutually request to further extend certain dates appearing in the current Modified Scheduling
 32 Order, document no. 33 filed on January 21, 2009.

1 The parties exchanged initial disclosures on November 7, 2008. As required by the present
2 Scheduling Order, Plaintiff disclosed asserted claims and preliminary infringement contentions on
3 March 16, 2009. In addition, the parties have continued their attempts to informally settle this
4 matter. Presently, the parties have exchanged draft settlement documents and are attempting to
5 come to agreement on the final terms of a written settlement agreement that has been proposed by
6 Defendant. As the parties believe that settlement is now likely and do not wish to expend
7 resources on further disclosure of litigation contentions, they ask that the Court again extend the
8 remaining dates in the Scheduling Order by 60 days. Such extension will conserve judicial
9 resources and maximize the efficiency of the litigation.
10

11 DATED: April 3, 2009

Respectfully submitted,

MCGLINCHEY STAFFORD, PLLC
/s/ Joel W. Mohrman

14 By
Joel W. Mohrman
Attorneys for Defendant ALBEMARLE
CORPORATION, a Virginia corporation

17 DATED: April 3, 2009

BULLIVANT HOUSER BAILEY PC
/s/ M. Taylor Florence

20 By
M. Taylor Florence
Attorneys for Defendant ALBEMARLE
CORPORATION, a Virginia corporation

24 DATED: April 3, 2009

WEINTRAUB GENSHLEA CHEDIAK
/s/ Audrey A. Millemann

27 By
Audrey A. Millemann
Attorneys for Plaintiff ENVIRO TECH CHEMICAL
SERVICES, INC., a California corporation
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ORDER

Pursuant to the foregoing stipulation of the parties, the current scheduling order is modified as follows:

1. March 16, 2009
Plaintiff filed its disclosure of asserted claims and preliminary infringement contentions with supporting documents.

After this date, it is necessary to obtain leave of court to add and/or amend infringement contentions.

Join additional parties. It is not necessary to file a motion to join additional parties before this date. Thereafter, it is necessary to obtain leave of court to join additional parties.

Add new patents and/or claims for patents-in-suit. It is not necessary to file a motion to add patents or claims
2. June 19, 2009
Defendant to file its preliminary invalidity contentions with supporting documents. Thereafter, it is necessary to obtain leave of court to add and/or amend invalidity contentions.

Add any inequitable conduct allegations to pleadings. Before this date, it is not necessary to file a motion for leave to add inequitable conduct allegations to pleadings. Thereafter, it is necessary to obtain leave of court to add inequitable conduct allegations to pleadings.

Deadline for initial document production.
3. July 7, 2009
Parties to exchange proposed terms and claim elements for construction.
4. July 24, 2009
Parties to exchange preliminary claim constructions and identify extrinsic evidence. Privilege logs to be exchanged by parties (or a letter to the court stating that there are no disputes as to claims of privileged documents).
5. August 25, 2009
Parties to file their joint claim construction and prehearing statement. The statement is to include an expert witness designation and report on claims construction issues under Rule 26(a)(2).

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- 6. August 25, 2009 Deadline for amended pleadings.
- 7. September 8, 2009 Responses to amended pleadings due.
- 8. September 18, 2009 Parties to complete discovery on claim construction, including expert depositions.
- 9. October 9, 2009 Plaintiff to file its claim construction brief with supporting evidence. Two sets of binders to be provided to the court.
- 10. October 23, 2009 Defendant to file its responsive claim construction brief with supporting evidence. Two sets of binders to be provided to the court.
- 11. November 9, 2009 Plaintiff to file its reply claim construction brief with supporting evidence. Two sets of binders to be provided to the court.
- 12. November 23, 2009 Parties to submit claim construction chart in WordPerfect 8.0 (or higher) format.
- 13. January 4, 2010 *Markman* hearing to be held beginning at 9:00 a.m. before Judge Mueller.

If further proceedings are necessary after the *Markman* hearing, a further status conference will be set to establish the further discovery, pre-trial and trial schedule.

IT IS SO ORDERED.

DATED: April 14, 2009.



U.S. MAGISTRATE JUDGE