

TROUTMAN SANDERS LLP
5 PARK PLAZA
SUITE 1400
IRVINE, CA 92614-2545

1 PAUL L. GALE (SBN 065873)
paul.gale@troutmansanders.com
2 SIAVASH DANIEL RASHTIAN (SBN 228644)
daniel.rashtian@troutmansanders.com
3 TROUTMAN SANDERS LLP
5 Park Plaza, Suite 1400
4 Irvine, CA 92614-2545
Telephone: 949.622.2700
5 Facsimile: 949.622.2739

6 *Attorneys for Defendants KMART CORPORATION
and BIG LOTS STORES, INC.*

7
8 John P. Costello (SBN 16111)
COSTELLO LAW CORPORATION
331 J Street, Suite 200
9 Sacramento, CA 95814
Telephone: 916.441.2234
10 Facsimile: 916.441.4254

11 *Attorneys for Plaintiff
SOFPOOL LLC*

12
13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA
15 SACRAMENTO DIVISION
16

17 SOFPOOL LLC, a limited liability
18 company,

19 Plaintiff,

20 v.

21 KMART CORPORATION, a Michigan
22 Corporation, BIG LOTS, INC., an Ohio
23 Corporation, and BIG LOTS STORES,
INC., an Ohio Corporation,

24 Defendants.

Case No. CV 10-03333 LKK (JFMx)

Hon. Lawrence K. Karlton

**JOINT STIPULATION AND ORDER FOR
PAGE LIMIT EXTENSION FOR MOTIONS
FOR SUMMARY JUDGMENT**

25 AND RELATED COUNTERCLAIMS.
26
27
28

20106121v1

1 WHEREAS, Plaintiff Sofpool, LLC (“Plaintiff”) and Defendants Kmart Corporation
2 (“Kmart”) and Big Lots Stores, Inc. (“Big Lots”) (Kmart and Big Lots will collectively be
3 referred to as “Defendants”) will be filing motions for summary judgment on or before September
4 27, 2012;

5
6 WHEREAS, Pursuant to the Court’s Pre-Trial Order (Dkt. 23), “[u]nless prior permission
7 has been granted, memoranda of law in support and in opposition to motions are limited to thirty
8 (30) pages” (Dkt. 23 at 3:26 – 4:2.)

9
10 WHEREAS, this is a design patent infringement case that involves comparisons of patent
11 drawings, the accused product, and the prior art. Plaintiff and Defendants wish to incorporate
12 certain images and drawings into the memorandum in support of their motions for summary
13 judgment to provide context to the written words and to make it easier to read. However,
14 incorporating these images causes the memorandum to exceed 30 pages. This is not due to long-
15 windedness. As the motions are based on two independent grounds (non-infringement and patent
16 invalidity), the memorandum requires two separate analyses. The written part of Plaintiff’s and
17 Defendants’ memorandum (*i.e.* without the images) will not exceed the usual 30 page limit.

18
19 WHEREAS, Plaintiff and Defendants believe that incorporating the images will assist the
20 Court in considering the issues. As the Court’s Pre-Trial Conference Order requires prior
21 permission to file a memorandum in excess of 30 pages and Plaintiff and Defendants cannot
22 obtain such permission by regular motion on regular time before their motions are due, Plaintiff
23 and Defendants respectfully request this permission via this stipulation.

24
25 WHEREAS, the Plaintiff and Defendants have agreed that each should have a page limit
26 extension to 40 pages or less when images are incorporated, but which does not exceed 30 pages
27 without such images.

28

1 NOW THEREFORE, Plaintiff and Defendants, by and through their respective counsel,
2 hereby stipulate and agree to a 40 page limit or less when images are incorporated, but which
3 does not exceed 30 pages without such images, subject to the Court's approval.
4

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

6 Dated: September 13, 2012

TROUTMAN SANDERS LLP

7
8 By: /s/ Paul L. Gale
Paul L. Gale

9 *Attorneys for Defendants*
10 *KMART CORPORATION and BIG LOTS*
11 *STORES, INC.*

12 Dated: September 13, 2012


COSTELLO LAW CORPORATION

13
14 By: /s/ John P. Costello
John P. Costello

15 *Attorneys for Plaintiff*
16 *SOFPOOL, LLC*

17 **PURSUANT TO PARTIES' STIPULATION, IT IS SO ORDERED.**

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19 DATED: September 17, 2012

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23 LAWRENCE K. KARLTON
24 SENIOR JUDGE
25 UNITED STATES DISTRICT COURT
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