

1 PAUL D. TRIPODI II, State Bar No. 162380  
 2 GRACE J. PAK, State Bar No. 277705  
**3 WILSON SONSINI GOODRICH & ROSATI**  
 Professional Corporation  
 4 633 West Fifth Street, Suite 1550  
 Los Angeles, CA 90071  
 Telephone: (323) 210-2900  
 5 Facsimile: (866) 974-7329  
 Email: [ptripodi@wsgr.com](mailto:ptripodi@wsgr.com)  
 6 Email: [gpak@wsgr.com](mailto:gpak@wsgr.com)

BRIAN R. KATZ, State Bar No. 88895  
 4364 Town Center Boulevard, Suite 207  
 El Dorado Hills, CA 95762  
 Telephone: (916) 933-5266  
 Facsimile: (916) 933-7866  
 Email: [brian@katzbusinesslaw.com](mailto:brian@katzbusinesslaw.com)

Attorney for Plaintiff  
**MYECHECK, INC.**

7 CRAIG BOLTON (*PRO HAC VICE*  
*ADMITTED*)  
**8 WILSON SONSINI GOODRICH & ROSATI**  
 Professional Corporation  
 9 1301 Avenue of the Americas, 40th Floor  
 New York, NY 10019  
 10 Telephone: (212) 999-5800  
 Facsimile: (212) 999-5899  
 11 Email: [cbolton@wsgr.com](mailto:cbolton@wsgr.com)

12 Attorneys for Defendant  
 13 **ZIPMARK, INC.**

14  
 15 UNITED STATES DISTRICT COURT

16 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

18 MYECHECK, Inc., a California corporation, )  
 19 Plaintiff, )  
 20 v. )  
 21 ZIPMARK, INC. and Does 1 -- 20, Inclusive, )  
 22 Defendants. )  
 23 )  
 24 )

CASE NO.: 2:14-cv-02399-JAM-KJN  
**JOINT STIPULATED MODIFIED  
 SCHEDULING ORDER  
 REGARDING PROCEEDINGS  
 RELATING TO SECTION 101  
 PATENT ELIGIBILITY**

25  
 26  
 27  
 28

1 Pursuant to the Court's Minute Order dated October 7, 2015 (Dkt. 38), the parties hereby  
 2 submit this proposed modified scheduling order.

Event	Deadline
4 Fact Discovery directed to Section 101 issues, 5 including: 6 • Written discovery responses to be 7 provided in 14 days of electronic or 8 personal service 9 • Responsive Documents to be produced 10 within 10 days after responses 11 • Fact Depositions, if any, to be noticed 12 10 days in advance of proposed 13 deposition date, directed to Section 101 14 issues	November 25, 2015
11 Zipmark Initial Expert Statement(s) and Tutorial Summary	December 11, 2015
12 MyECheck Responsive Expert Statement(s) and Tutorial Summary	December 24, 2015
14 Expert Depositions completed	January 15, 2016
15 Zipmark's Supplemental Brief Regarding Patent Ineligibility of U.S. Patent No. 7,329,913 Under 16 35 U.S.C. § 101 (Maximum 25 pages)	January 29, 2016
17 MyECheck's Opposition to Zipmark's Supplemental Brief (Maximum 25 pages)	February 12 2016
18 Zipmark's Reply in Support of Supplemental 19 Brief (Maximum 10 pages)	February 19, 2016

20 The parties propose that a further hearing regarding the patent ineligibility of U.S. Patent  
 21 No. 7,389,913 under 35 U.S.C. § 101 be held on **March 8, 2016 at 1:30 p.m.**

22 **Scope**

23 Pursuant to the Court's statements at the Oct. 7, 2015 hearing, the parties understand that  
 24 the scope of discovery will be limited to the issue of whether or not the patent-in-suit, U.S.  
 25 Patent No. 7,389,913, is eligible for patent protection under 35 U.S.C. § 101. The parties further  
 26 understand that all other issues in this litigation will be stayed pending resolution of the issue of  
 27 patent eligibility.  
 28

1 **Content of Expert Statements**

2 The parties propose that the Expert Statements contain, pursuant to Fed. R. Civ. P.  
3 26(a)(2)(C)(i), the subject matter on which the party’s expert is expected to present evidence at  
4 the Court’s hearing regarding these matters. The parties further propose that the Expert  
5 Statements also contain, pursuant to Rule 26(a)(2)(C)(ii), a summary of the facts and opinions to  
6 which the expert is expected to testify at the Court’s hearing regarding these matters, including a  
7 detailed summary of any tutorial that will be offered.

8 **Supplemental Briefing Page Limit**

9 The parties propose that the page limit of the supplemental briefs be the same as this  
10 Court’s page limits on motions for summary judgment. Specifically, the parties propose the  
11 following page limits:

12 Zipmark’s Supplemental Brief: 25 pages

13 MyECheck’s Opposition to Zipmark’s Supplemental Brief: 25 pages

14 Zipmark’s Reply in Support of Supplemental Brief: 10 pages

15  
16 Dated: October 13, 2015

Respectfully Submitted,

17 /s/ Brian R. Katz  
18 Brian R. Katz, State Bar No. 88895  
[brian@katzbusinesslaw.com](mailto:brian@katzbusinesslaw.com)

s/ Paul D. Tripodi, II  
Paul D. Tripodi II, State Bar No. 162380  
ptripodi@wsgr.com

19 Attorney for Plaintiff  
20 **MYECHECK, INC.**

Attorneys for Defendant  
**ZIPMARK, INC.**

21  
22  
23  
24 **IT IS SO ORDERED.**

25 Dated: 10/15/2015 \_\_\_\_\_

/s/ John A. Mendez  
Hon. John A. Mendez  
United States District Court Judge