MELINDA L. HAAG (SBN 132612)
United States Attorney
JOANN M. SWANSON (SBN 88143)
Chief, Civil Division
MICHAEL T. PYLE (SBN 172954)
Assistant United States Attorney

150 Almaden Blvd., Suite 900
San Jose, California 95113
Telephone: (408) 535-5087
Facsimile: (408) 535-5081
Email: michael.t.pyle@usdoj.gov

Attorneys for Prospective Intervenor United States of America

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

AGSAVER LLC, Plaintiff, v. VALENT U.S.A. CORPORATION, Defendant.	No. C 11-00264 JCS **STIPULATION AND [~~PROPOSED~~] ORDER EXTENDING TIME FOR THE UNITED STATES TO INTERVENE AND FILE BRIEF REGARDING CONSTITUTIONAL CHALLENGE** Hon. Joseph C. Spero

The parties, along with prospective intervenor the United States of America, stipulate to the following request made by counsel for the United States of America to obtain an additional 30 days in which to intervene to defend the constitutionality of 35 U.S.C. § 292 in this case. Federal Rule of Civil Procedure 5.1(c) gives the Court the power to grant this additional time as it states, in relevant part, "[u]nless the court sets a later time, the attorney general may intervene within 60 days after the notice is filed or after the court certifies the challenge, whichever is earlier." The current deadline for moving to intervene is August 16, 2011, and counsel for the United States needs the requested additional time in order to obtain the necessary approval from the Solicitor General's office to intervene in this action. Giving the United States until September 16, 2011 to intervene would also mean that the United States would file its brief intervening in the case and defending the constitutionality of the statute on the same date that Plaintiff files its opposition to Defendant's motion to dismiss. Counsel for Plaintiff and Defendant have agreed that this limited extension of time is acceptable.

The parties and the United States have also agreed, subject to the approval of the Court, that Defendant Valent U.S.A. Corporation shall have until October 7, 2011 to file a single brief responding to Plaintiff's opposition to Defendant's motion to dismiss and the brief anticipated to be filed by the United States on September 16, 2011.

Dated: August 11, 2011

Respectfully submitted,

MELINDA HAAG
United States Attorney

_____/s/ Michael T. Pyle_____
MICHAEL T. PYLE
Assistant United States Attorney
Attorney for United States of America

Dated: August 11, 2011

FARELLA BRAUN + MARTEL LLP

_____/s/ James W. Morando_____
Counsel for Plaintiff Agsaver LLC.

Dated: August 11, 2011

GORDON & REES LLP

_____/s/ Fletcher C. Alford_____
Counsel for Defendant Valent U.S.A. Corporation.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The Court, having considered the stipulation of the parties and the United States, orders that the United States shall have until September 16, 2011 to intervene and file a substantive brief in support of its defense of the constitutionality of 35 U.S.C. § 292 in this case. Defendant Valent U.S.A. Corporation shall have until October 7, 2011 to file a a single brief responding to Plaintiff's opposition to the motion to dismiss and the brief to be filed by the United States.

DATED: 8/12/11

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HONORABLE JOSEPH C. SPERO
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Judge Joseph C. Spero