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RETAIL DECISIONS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CYBERSOURCE CORPORATION,  
  
Plaintiff,  
  
v.  
  
RETAIL DECISIONS, INC.,  
  
Defendant.

Case No. C 04 03268 MHP

**STIPULATION AND ~~(PROPOSED)~~  
ORDER RE: BRIEFING AND  
HEARING SCHEDULE  
\* AS AMENDED BY COURT**

1 Pursuant to Civil L.R. 6-2, Plaintiff CyberSource Corporation (“CyberSource”) and  
2 Defendant Retail Decisions, Inc. (“ReD”) hereby stipulate to the following briefing schedule.

3 Whereas, on July 3, 2008, the parties submitted a Joint Case Management Statement,  
4 which scheduled ReD’s Preliminary Invalidity Contentions (PLR 3-3) and ReD’s Production of  
5 Documents Accompanying Preliminary Invalidity Contentions (PLR 3-4) for September 11,  
6 2008, and scheduled the Exchange of Proposed Terms and Claim Elements for Construction  
7 (PLR 4-1) for September 25, 2008;

8  
9 Whereas, on July 15, 2008, after a Case Management Conference, the Court adopted an  
10 amended Joint Case Management Order that modified the date for ReD’s Preliminary Invalidity  
11 Contentions (PLR 3-3) and ReD’s Production of Documents Accompanying Preliminary  
12 Invalidity Contentions (PLR 3-4) to September 18, 2008, and modified the date for the  
13 Exchange of Proposed Terms and Claim Elements for Construction (PLR 4-1) to October 1,  
14 2008;

15  
16 Whereas, the parties, acting through their counsel, have conferred in good faith and  
17 agreed to extend the date for submitting ReD’s Preliminary Invalidity Contentions (PLR 3-3)  
18 and ReD’s Production of Documents Accompanying Preliminary Invalidity Contentions (PLR  
19 3-4) to October 2, 2008, to afford ReD’s new co-counsel reasonable opportunity to review  
20 CyberSource’s Preliminary Infringement Contentions; and  
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22  
23 Whereas, in the interests of efficiency and orderly case management, the parties wish to  
24 agree on the briefing and hearing schedule for other case deadlines as well (as set forth below).  
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**THEREFORE, IT IS STIPULATED:**

1. ReD will file its Preliminary Invalidity Contentions (PLR 3-3) and Production of Documents Accompanying Preliminary Invalidity Contentions (PLR 3-4) by Thursday, October 2, 2008

2. The other case deadlines are also modified in accordance with the proposed Docket Control Deadlines as follows.

Event	Date
CyberSource's Disclosure of Asserted Claims & Preliminary Infringement Contentions (Per CMC 7/14/08; see also PLR 3-1).	<del>7/28/08</del> 8/21/08
CyberSource's Production of Documents Accompanying Preliminary Infringement Contentions (Per CMC 7/14/08; see also PLR 3-2)	<del>7/28/08</del> 8/21/08
ReD's Preliminary Invalidity Contentions (Per CMC 7/14/08; see also PLR 3-3)	9/11/08 9/18/08 10/2/08
ReD's Production of Documents Accompanying Preliminary Invalidity Contentions (Per CMC 7/14/08; see also PLR 3-4)	9/11/08 9/18/08 10/2/08
Exchange of Proposed Terms and Claim Elements for Construction (Per CMC 7/14/08; see also PLR 4-1)	9/25/08 <del>10/1/08</del> 11/3/08
Meet and confer to finalize list of terms needing construction. (Patent L.R. 4-1(b))	11/3/08-12/12/08
Exchange of Preliminary Claim Constructions and Extrinsic Evidence (PLR 4-2)	<del>10/15/08</del> 11/17/08
Preliminary Identification of Extrinsic Evidence, including testimony of percipient and expert witnesses (PLR 4-2(b))	<del>10/15/08</del> 11/17/08
Meet and confer to finalize joint claim construction statement. (PLR 4-2(c))	11/17/08-12/12/08
Joint Claim Construction and Prehearing Statement (PLR 4-3)	<del>11/10/08</del> 12/12/08
Deadline to complete claim construction discovery, including depositions relating to claim construction (PLR 4-4)	<del>12/10/08</del> 1/16/09
CyberSource's Opening Claim Construction Brief (PLR 4-5(a))	<del>1/2/09</del> 1/30/09
ReD's Responsive Claim Construction Brief (PLR 4-5(b))	<del>1/16/09</del> 2/13/09
CyberSource's Reply Claim Construction Brief (PLR 4-5(c))	<del>1/28/09</del> 2/20/09
Claim Construction Hearing (subject to the Court's convenience) (PLR 4-6)	<del>2/11/09</del> 3/6/09
Claim construction ruling by Court.	[not set]
CyberSource's Final Infringement Contentions (PLR 3-	Claim Construction Ruling + 30

1	6(a))	days
2	ReD's Final Invalidity Contentions (PLR 3-6(b))	Claim Construction Ruling + 50 days
3	ReD's Opinion and Document Production Regarding Opinion of Counsel Defense to Willfulness Claim (PLR 3-8)	Claim Construction Ruling + 50 days
4	Fact Discovery Cut-Off (i.e., date by which written discovery responses are due and by which depositions must be completed)	4/30/09 6/8/09
5	Parties to Serve Expert Reports for Which They Bear the Burden of Proof	5/21/09 6/29/09
6	Rebuttal Expert Reports	6/11/09 7/24/09
7	Expert Discovery Cut-Off	6/25/09 8/7/09
8	Last Day to File Dispositive Motions	7/16/09 8/28/09
9	Parties to Serve Motions in Limine	9/3/09 11/17/09
10	Parties to serve oppositions to motions in limine	9/14/09 12/08/09
11	Pretrial Conference	10/15/09 12/17/09 @ 2:30 pm
12	Trial	10/26/09 1/18/09 @ 8:30 am

1/19/2010 @ 8:30 AM

13 Dated: September 17, 2008

ROPE & GRAY LLP

14 By: //s/ Mark Rowland

15 Mark Rowland

16 Attorneys for Defendant  
17 RETAIL DECISIONS, INC.

18  
19 Dated: September 17, 2008

MORRISON & FOERSTER LLP

21 By: //s/ Marc J. Pernick

22 Marc J. Pernick

23 Attorneys for Plaintiff  
24 CYBERSOURCE CORPORATION

1 I, MARK ROWLAND, am the ECF User whose ID and password are being used to file  
2 this STIPULATION AND [PROPOSED] ORDER RE: BRIEFING AND HEARING  
3 SCHEDULE. In compliance with General Order 45, X.B., I hereby attest that Marc Pernick has  
4 concurred in this filing.

5  
6 Dated: September 17, 2008

ROPE & GRAY LLP

8 By: //s/ Mark Rowland

9 Mark Rowland

10 Attorneys for Defendant  
11 RETAIL DECISIONS, INC.

12  
13  
14 ORDER

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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18 DATED: 9/19/2008

