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6 **PLUSTEK INC.**

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12 SYSCAN, INC.

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
17

18 PLUSTEK INC.,

19 Plaintiff,

20 vs.

21 SYSCAN, INC.

22 Defendant.
23

Case No. C 07-05718 JL

**STIPULATION TO CONTINUE THE
CASE SCHEDULE AND ~~PROPOSED~~
ORDER**

1 **WHEREAS**, on November 9, 2007, Plaintiff Plustek Inc. (“Plustek”) filed an
2 action in the United States District Court for the Northern District of California against Defendant
3 Syscan, Inc. (“Plustek”), requesting, *inter alia*, for a declaratory judgment that Plustek does not
4 infringe any claims of U.S. Patent No. 6,705,124 (the “‘124 Patent”), and that the ‘124 Patent is
5 invalid.

6 **WHEREAS**, pursuant to the Joint Case Management Conference Statement,
7 Syscan’s Disclosure of Asserted Claims and Preliminary Infringement Contentions (Patent L.R.
8 3-1), and Syscan’s Document Production Accompanying Disclosure (Patent L.R. 3-2) were due
9 on December 22, 2008.

10 **WHEREAS**, Syscan has served its Disclosure of Asserted Claims and Preliminary
11 Infringement Contentions (Patent L.R. 3-1) and has provided its Document Production
12 Accompanying Disclosure (Patent L.R. 3-2) on December 22, 2008.

13 **WHEREAS**, Plustek agrees to allow Syscan to amend its Disclosure of Asserted
14 Claims and Preliminary Infringement Contentions as well as produce any additional
15 accompanying documents by February 20, 2009.

16 **WHEREAS**, Syscan agrees to extend Plustek’s deadline to serve its Invalidity
17 Contentions (Patent L.R. 3-3) and provide its Document Production Accompanying Invalidity
18 Contentions (Patent L.R. 3-4) from January 30, 2009 to March 6, 2009.

19 **WHEREAS** in the interest of judicial economy, and there has been no previous
20 stipulated continuance, the Parties have agreed to extend other due dates in the Joint Case
21 Management Conference Statement by five (5) weeks to adequately adjust for the extension in the
22 due dates of the Infringement and Invalidity Contentions.

23 **NOW, THEREFORE**, the Parties, through their respective counsel of record,
24 hereby stipulate and respectfully request the Court to order an extension of the case schedule as
25 follows:

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28 //

PLEADING OR EVENT	DATE
Syscan's Amended Disclosure of Asserted Claims and Preliminary Infringement Contentions, Rule 3-1 of the Patent Local Rules of the United States District Court in the Northern District of California	February 20, 2009
Syscan's Document Production Accompanying Amended Disclosure	February 20, 2009
Plustek's Invalidity Contentions (Patent L.R. 3-3)	March 6, 2009
Plustek's Document Production Accompanying Invalidity Contentions (Patent L.R. 3-4)	March 6, 2009
Simultaneous exchange of claim terms, phrases or clauses which each party contends should be construed by the Court, and identification of claim elements parties contend should be governed by 35 U.S.C. § 112(6) (Patent L.R. 4-1(a))	March 16, 2009
Meet and confer to finalize the list of disputed claim terms for construction by the Court (Patent L.R. 4-1(b))	Week of March 16 - 20, 2009
Simultaneous exchange of preliminary proposed construction of each claim term, phrase or clause, which the parties collectively have identified for claim construction purposes. (Patent L.R. 4-2(a))	March 20, 2009
Exchange of a preliminary identification of extrinsic evidence parties contend supports their respective claim constructions (Patent L.R. 4-2(b))	March 20, 2009
Meet and confer to narrow the issues and	Week of March 23 - 27, 2009

1	finalize preparation of a “Joint Claim Construction and Prehearing Statement” (Patent L.R. 4-2(c))	
2		
3		
4	Joint Claim Construction and Preliminary Prehearing Statement (Patent L.R. 4-3)	May 1, 2009
5		
6	Close of all discovery relating to claim construction, except for discovery from any claim construction experts, if necessary (Patent L.R. 4-4)	May 15, 2009
7		
8		
9	Syscan’s Opening Claim Construction Brief (Patent L.R. 4-5(a))	June 12, 2009
10		
11	Plustek’s Responsive Claim Construction Briefs (Patent L.R. 4-5(b))	June 26, 2009
12		
13		
14	Syscan’s Reply Claim Construction Brief (Patent L.R. 4-5(c))	July 5, 2009
15		
16	Claim Construction Hearing (Patent L.R. 4-6)	Subject to the Court’s calendar, two weeks following submission of Syscan’s Reply Claim Construction brief.
17		
18	The Parties’ Amended Contentions (Patent L.R. 3-6)	Subject to the order of the Court upon a timely showing of good cause.
19		
20	The Parties’ Advice of Counsel (Patent L.R. 3-7)	50 days after Claim Construction Decision
21		
22		
23	Close of fact discovery re merits of claims and defenses	100 days after Claim Construction Decision, but not less than 140 days after the conclusion of the Claim Construction Hearing
24		
25		
26	Initial Expert Reports on issues on which party bears the burden of proof at trial	40 days after the close of fact discovery
27		
28		

1	Rebuttal Expert Reports	30 days after service of Initial Expert Reports
2		
3	Close of Expert Discovery	56 days after service of Rebuttal Expert Reports
4		
5	Dispositive Motions and Motions to Bifurcate Trial (last day to file)	23 days after the date for the close of expert discovery
6		
7	Oppositions to Dispositive Motions and Motions to Bifurcate Trial	21 days after service of motions
8		
9	Replies to Dispositive Motions and Motions to Bifurcate Trial	7 days after service of opposition briefs
10		
11	Completion and Filing of Pretrial Order	TBD
12		
13	Final Pretrial Conference	TBD
14		
15	Trial	TBD
16		

17
18 DATED: January 29, 2009

19 By /s/ Yung-Ming Chou

20 Yung Ming Chou
21 Attorneys for Defendant
SYSCAN, INC.

22 DATED: January 29, 2009

KLEIN, O'NEILL & SINGH, LLP

23
24 By /s/ Sang N. Dang

25 Sang N. Dang
26 Attorneys for Plaintiff
27 **PLUSTEK INC.**
28

~~PROPOSED~~ ORDER

It is so **ORDERED**.

DATED: February 6, 2009


U.S. CHIEF MAGISTRATE JUDGE