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 INTERCEDE GROUP PLC and INTERCEDE LTD.
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

FENWICK & WEST LLP
 ATTORNEYS AT LAW
 SAN FRANCISCO

13 ACTIVIDENTITY CORPORATION, a
 Delaware Corporation,

14 Plaintiff,

15 v.

16 INTERCEDE GROUP PLC AND
 17 INTERCEDE LTD., both of Lutterworth,
 UK,

18 Defendants.
 19

Case No.: 3:08-cv-04577 VRW

**STIPULATION AND ~~PROPOSED~~
 ORDER MODIFYING THE DEADLINE
 FOR MEDIATION**

20 AND RELATED COUNTERCLAIMS.
 21

1 Pursuant to Civil Local Rule 6-2, defendants and counterclaimants Intercede Group plc
2 and Intercede Ltd. (collectively, “Intercede”) and plaintiff and counterdefendant ActivIdentity
3 Corporation (“ActivIdentity”) submit this stipulated request to modify the deadline for mediation
4 as currently established by this Court’s order.

5 **A. The Parties Stipulate and Request to Modify the Deadline for Mediation.**

6 The parties, with the concurrence of the appointed mediator, stipulate and hereby request
7 to modify the deadline for mediation as required by this Court’s ADR Local Rules. On June 12,
8 2009, the parties submitted a Stipulation and Proposed Order agreeing to participate in mediation
9 under this Court’s ADR Local Rules with such mediation to occur within 180 days of the case
10 management conference. Doc # 34. On July 2, 2009, this Court entered that order. Doc # 38.
11 Further, on July 2, 2009, this Court ordered that the deadline for such mediation to occur would
12 be December 31, 2009. Doc # 39. On August 11, 2009, Beth Parker was appointed in this case to
13 act as a mediator. Doc # 46.

14 The parties were scheduled to conduct a mediation session on November 11, 2009.
15 Intercede believed it would be premature to conduct the mediation on that date, given the case
16 progress and schedule for contemplated case events, including the named inventor’s deposition,
17 pending motions addressing discovery and bifurcation issues, and claims construction briefing,
18 the latter of which will not be completed until January 28, 2010. ActivIdentity did not object to
19 an extension of the mediation deadline. *See* Doc # 65; Declaration of Darryl M. Woo in Support
20 of Stipulation and [Proposed] Order Modifying the Deadline for Mediation at ¶ 10.

21 After communications among the parties and the mediator concerning the participants’
22 availability and the optimum dates for rescheduling the mediation, the parties and the mediator
23 agreed to reschedule the mediation and to reserve February 2 and 5, 2010 for conduct of the
24 mediation. Both dates fit within the mediator’s current schedule, and fall after the completion of
25 claim construction discovery and a likely ruling on the parties’ pending motions. As currently
26 set, the deadline not only would expire prior to the agreed, rescheduled mediation dates, but
27 would require that a mediation occur before the completion of claims construction briefing. *Id.* ¶
28 11.

1 As such, the parties respectfully stipulate and request that the deadline to hold such a
2 mediation be changed from the current deadline of December 31, 2009 to March 31, 2010. No
3 other dates should be affected by this change.

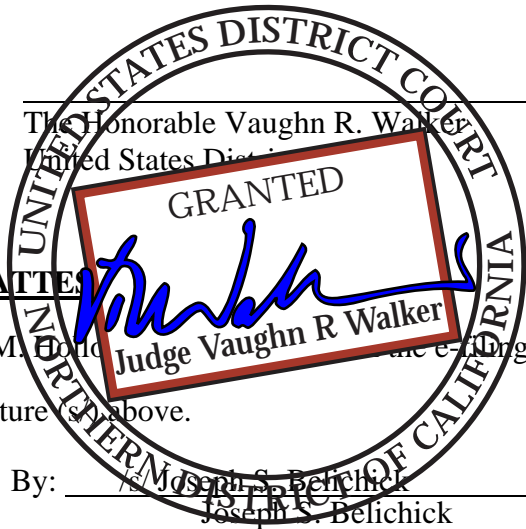
4
5 Dated: November 11, 2009 Respectfully submitted,
6 FENWICK & WEST LLP
7 By: /s/ Joseph S. Belichick
8 Joseph S. Belichick
9 Attorneys for Defendants
10 INTERCEDE GROUP PLC and INTERCEDE LTD.

11 Dated: November 11, 2009 Respectfully submitted,
12 WILSON SONSINI GOODRICH & ROSATI
13 By: /s/ Julie M. Holloway
14 Julie M. Holloway
15 Attorneys for Plaintiff
16 ACTIVIDENTITY CORPORATION

17 **ORDER**

18 PURSUANT TO STIPULATION, AND GOOD CAUSE SHOWING, IT IS SO
19 ORDERED.

20 Dated: Nov. 13, 2009



21
22
23 **SIGNATURE ATTEST**

24 I hereby attest that I have received Julie M. Holloway's signature on the e-filing of this
25 document as indicated by the "conformed" signature above.

26 By: /s/ Joseph S. Belichick
27 Joseph S. Belichick
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