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11 Attorneys for Defendants and Counterclaimants
 12 STRYKER CORPORATION AND STRYKER
 COMMUNICATIONS, INC.

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

16 KARL STORZ ENDOSCOPY-AMERICA, INC.,
 17 Plaintiff,
 18 vs.
 19 STRYKER CORPORATION and STRYKER
 20 COMMUNICATIONS, INC.,
 21 Defendants.

Case No. C 09-0355 (VRW)
AMENDED STIPULATION AND
~~**PROPOSED**~~ **ORDER EXTENDING**
DEADLINES
 [Civ. L.R. 6-2 & 7-12]
 Honorable Vaughn R. Walker

22 AND RELATED COUNTERCLAIMS
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1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Karl Storz Endoscopy-America, Inc.
2 (“KSEA”) and Defendants Stryker Corporation and Stryker Communications, Inc. (collectively,
3 “Stryker”), through their respective counsel of record, hereby stipulate to and jointly request the
4 Court as follows:

5 1. By Order dated May 14, 2009 (Doc # 96-1), the Court entered an initial case
6 management order. That order included the following deadlines:

7 Fact discovery deadline	July 16, 2010
8 Deadline to disclose expert witnesses	July 16, 2010
9 Deadline to serve expert report(s) for which a party bears the burden of proof	August 20, 2010
10 Deadline to serve rebuttal expert reports	October 15, 2010
11 Expert discovery deadline	December 17, 2010
12 Deadline to file dispositive motions	January 21, 2011
13 Hearings on dispositive motions	April 21, 2011 (pending court availability)

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16 2. The May 14, 2009 Order also set the claim construction hearing for March 17, 2010.
17 Thus, the Court originally arranged the case schedule such that the close of fact discovery and
18 disclosure of expert witnesses would occur approximately three months after the claim construction
19 hearing.

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21 3. Based on the Court’s Notice of Unavailability and subsequent communications with
22 the Courtroom Deputy, Cora Klein, the parties learned that the Court would no longer be available
23 for the claim construction hearing on March 17, 2010. Thus, the parties filed a stipulation and
24 proposed order to move the hearing to a date on which the Court was available. Accordingly, by
25 Order dated January 27, 2010 (Doc # 186), the Court entered a modified schedule for certain events
26 up to and including the claim construction hearing. The Order continued the claim construction
27 hearing date from March 17, 2010, until June 23, 2010. Per the Order, Stryker's Motion for
28 Summary Judgment of Non-Infringement and KSEA's Cross Motion for Partial Summary Judgment

1 of Infringement will also be heard on June 23, 2010.

2 4. The new claim construction (and summary judgment) hearing date of June 23, 2010,
3 provides only a narrow window of time between the hearing and the close of fact discovery on July
4 16, 2010. Despite the diligent efforts of the parties to conduct discovery in parallel with other case
5 deadlines pertaining to summary judgment briefing and claim construction, the parties believe that
6 additional time will be needed to fully and fairly conduct discovery. To preserve the original time
7 interval between the claim construction hearing and the close of fact discovery, and to preserve the
8 original time intervals between the other, subsequent deadlines, the parties propose the following
9 modifications to the schedule (which extend the current deadlines by approximately ninety days):

11 Fact discovery deadline	October 14, 2010
12 Deadline to disclose expert witnesses	October 14, 2010
13 Deadline to serve expert report(s) for which a party bears the burden of proof	November 18, 2010
14 Deadline to serve rebuttal expert reports	January 13, 2011
15 Expert discovery deadline	March 17, 2011
16 Deadline to file dispositive motions	May 26, 2011
17 Hearings on dispositive motions	July 7, 2011 (pending court availability)

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20 5. Pursuant to Civil L.R. 6-2(a)(1)-(3), this stipulated request is accompanied by the
21 Declaration of William R. Overend setting forth (a) the reasons for the requested rescheduling; (b)
22 all previous time modifications in the case; and (c) the effect of the requested rescheduling.

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IT IS SO STIPULATED.

Respectfully submitted,

Dated: May 17, 2010.

REED SMITH LLP

By /s/ William R. Overend
William R. Overend
Attorneys for Defendants
Stryker Corporation and Stryker Communications, Inc.
BECK, ROSS, BISMONTE & FINLEY, LLP

Dated: May 17, 2010.

By /s/ Alfredo A. Bismonte
Alfredo A. Bismonte
Attorneys for Plaintiff
Karl Storz Endoscopy-America, Inc.

CERTIFICATION

I hereby attest that concurrence in the filing of this document has been obtained by the above named signatories.

DATED: May 17, 2010.

REED SMITH LLP

By /s/ William R. Overend
William R. Overend
Attorneys for Defendants
Stryker Corporation and Stryker Communications,
Inc.

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 24, 2010

Honorable _____
United States District Judge

