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13 Attorneys for Plaintiff, Karl Storz
14 Endoscopy-America, Inc.

15 **IN THE UNITED STATES DISTRICT COURT FOR THE**
16 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

18 KARL STORZ ENDOSCOPY-AMERICA,
19 INC.

20 Plaintiff,

21 v.

22 STRYKER CORPORATION, AND
23 STRYKER COMMUNICATIONS, INC.

24 Defendants.

Case No. C 09-0355 (VRW)

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING MOTIONS
FOR SUMMARY JUDGMENT
HEARING AND CLAIM
CONSTRUCTION HEARING

[Civ. L.R. 6-2 & 7-12]

Honorable Vaughn R. Walker

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

5 1. By Order dated May 14, 2009 (Doc # 96-1), the Court entered an initial
6 case management order. That order included scheduling a Claim Construction Hearing
7 for March 17, 2010.

8 2. Due to the Court's unavailability, and pursuant to stipulation of the parties,
9 the Court ordered on February 1, 2010 (Doc #186) that the claim construction hearing be
10 continued from March 17, 2010 until June 23, 2010. Per the Order, Stryker's Motion for
11 Summary Judgment of Non-Infringement, KSEA's Cross Motion for Partial Summary
12 Judgment of Infringement, and KSEA's Rule 56(f) Motion to Allow Time for Necessary
13 Discovery in Light of Pending Motion for Summary Judgment were also scheduled to be
14 heard on June 23, 2010.

15 3. By Clerk's Notice on June 2, 2010 (Doc # 218), the Court notified the
16 parties that the claim construction and summary judgment hearing would be continued
17 from June 23, 2010 to September 1, 2010.

18 4. Plaintiff KSEA recently determined it would likely withdraw certain
19 asserted claims in this action. These claims are part of the subject matter of the pending
20 summary judgment motions as well as the claim construction hearing currently set for
21 September 1, 2010. Plaintiff KSEA has therefore requested a continuance of the
22 deadlines scheduled for September 1, 2010 to allow the likely withdrawal of these
23 asserted claims. The parties agree this continuance will result in economy and
24 convenience for each party as well as the Court.

25 5. The Clerk of Judge Walker, Cora Klein, has been consulted and has
tentatively scheduled October 6, 2010 at 9:30 AM for the rescheduled hearing of the
motions for summary judgment as well as the claim construction. She has directed the

1 parties to submit a stipulation and proposed order for consideration of the Court.

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

6 IT IS SO STIPULATED.

7
8 Respectfully submitted,

9 Dated: August 26, 2010.

BECK, ROSS, BISMONTE & FINLEY, LLP

10
11 By _____ /s/

12 Alfredo A. Bismonte
13 Attorneys for Plaintiff
14 Karl Storz Endoscopy-America, Inc.

15 Dated: August 26, 2010.

REED SMITH LLP

16 By _____ /s/

17 William R. Overend
18 Attorneys for Defendants
19 Stryker Corporation and Stryker
20 Communications, Inc.

21 **CERTIFICATION**

22 I hereby attest pursuant to General Order 45, Section X, that concurrence in the
23 filing of this document has been obtained by the above named signatories.
24

1 DATED: August 26, 2010

2 BECK, ROSS, BISMONTE & FINLEY LLP

3 By _____/s/_____

4 Alfredo A. Bismonte

5 Attorneys for Plaintiff

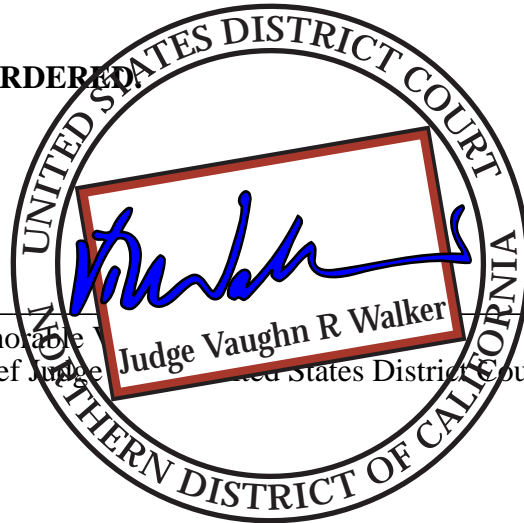
6 Karl Storz Endoscopy-America, Inc.

7 **ORDER**

8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

9 Dated: August 27, 2010

10
11
12 Honorable _____
13 Chief Judge _____ United States District Court



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