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Attorneys for defendant Exar Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GREGORY BENDER,) Case No. C 09-01140 WHA
)
Plaintiff,) STIPULATION AND ~~PROPOSED~~
) ORDER RE SCHEDULE FOR CLAIM
vs.) CONSTRUCTION
)
EXAR CORPORATION, a Delaware)
corporation,)
)
Defendant.)

Pursuant to Case Management Order and Reference to
Magistrate Judge for Settlement/Mediation, Plaintiff Gregory
Bender ("Bender") and Defendant Exar Corporation ("Exar"),

1 through their respective counsel, have met and conferred
 2 regarding a briefing schedule leading up to the Claim
 3 Construction Hearing set for February 3, 2010, at 1:30 PM.
 4 Plaintiff Bender and Defendant Exar, through their respective
 5 counsel, hereby stipulate and request that the Court enter an
 6 order establishing the briefing schedule in preparation for the
 7 Claim Construction Hearing set for February 3, 2010 at 1:30 PM.
 8

9 The proposed briefing schedule is as follows:

10 Parties exchange list of claim 11 terms to be construed by the 12 Court	September 29, 2009
13 Parties exchange Preliminary 14 Claim Constructions, including 15 extrinsic evidence	October 19, 2009
16 Deadline to file Joint Claim 17 Construction and Prehearing 18 Statement	November 16, 2009
19 Deadline to complete claim 20 construction discovery	December 16, 2009
21 Deadline for Plaintiff to 22 serve and file opening claim 23 construction brief	December 30, 2009
24 Deadline for Defendant to 25	January 13, 2010
26	

1	serve and file responsive	
2	claim construction brief	
3	Deadline for Plaintiff to	January 20, 2010
4	serve and file reply claim	
5	construction brief	
6	Tutorial for Court	January 20, 2010
7		
8	Claim Construction Hearing	February 3, 2010

9
10 IT IS SO STIPULATED.

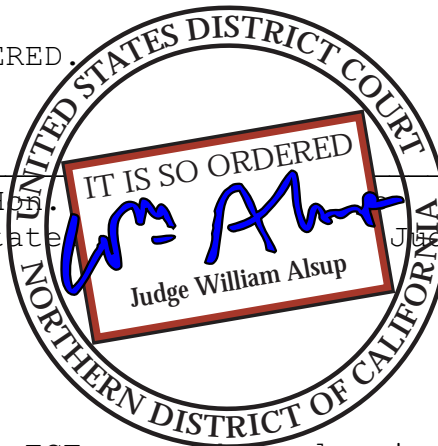
11 Dated: _____, 2009 _____/S/_____
12 David N. Kuhn, counsel for plaintiff

13 Dated: _____, 2009 _____
14 Jacob K. Baron, counsel for defendant

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16
17 Dated August 18, 2009

18 The Hon. _____
United States _____ Judge



19
20
21 I, David N. Kuhn, attest that I am the ECF user whose log-in and
22 password are being used to e-file this document and that
23 concurrence in the filing of this document has been obtained
from Proskauer Rose LLP, counsel for the defendant.

24 Executed on August 13, 2009 _____/S/_____
25 PIEDMONT, CALIFORNIA David N. Kuhn