

1 MARK E. MILLER (S.B. # 130200) markmiller@omm.com
 2 ANNE E. HUFFSMITH (S.B. # 236438) ahuffsmith@omm.com
 3 O'MELVENY & MYERS LLP
 4 Two Embarcadero Center, 28th Floor
 5 San Francisco, California 94111-3823
 6 Telephone: 415.984.8700
 7 Facsimile: 415.984.8701

8 Attorneys for Defendant and Counterclaimant
 9 MICREL, INC.

10 David N. Kuhn (State Bar #73389)
 11 Attorney-at-Law
 12 144 Hagar Avenue
 13 Piedmont, CA 94611
 14 Telephone: (510) 653-4983
 15 E-mail: dnkuhn@pacbell.net

16 Attorney for Plaintiff and Counterdefendant
 17 GREGORY BENDER

18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20 **SAN FRANCISCO DIVISION**

21 GREGORY BENDER,

22 Plaintiff and
 23 Counterdefendant,

24 v.

25 MICREL, INC.,

26 Defendant and
 27 Counterclaimant.

28 Case No. C09-01144 SI

**STIPULATION AND [PROPOSED]
 ORDER**

1 WHEREAS the deadline for Micrel, Inc. to serve Patent L.R. 3-3 and 3-4 Disclosures is
2 currently set for December 21, 2009 (D.E. 29);

3 WHEREAS Micrel’s Motion to Strike or Compel Patent L.R. 3-1 Compliant Infringement
4 Contentions is currently pending and will not be heard until February 12, 2010 (D.E. 30 and 36);

5 THEREFORE, pursuant to Civil Local Rule 6-2(a), the parties hereby STIPULATE and
6 AGREE that the deadline for Micrel to serve Patent L.R. 3-3 and 3-4 Disclosures is the **later** of
7 (a) 45 days after Bender serves infringement contentions that comply with Patent L.R. 3-1, OR
8 (b) 14 days after the Court decides Micrel’s Motion To Strike or Compel Compliant Infringement
9 Contentions. The subsequent Patent Local Rules deadlines will follow from the modified Patent
10 L.R. 3-3 and 3-4 deadline. The declaration required by Civil Local Rule 6-2(a) is attached. (See
11 Huffsmith Declaration.)

12 Respectfully submitted,

13 By: /s/ Mark E. Miller

14 Dated: December 18, 2009

15 Mark E. Miller
O’Melveny & Myers LLP
Counsel for Defendant and Counterclaimant
MICREL, INC.

16 Dated: December 18, 2009 By:

17 /s/ David N. Kuhn

18 David N. Kuhn
Attorney-at-Law
Counsel for Plaintiff and Counterdefendant
GREGORY BENDER

19 Pursuant to General Order No. 45 X(B), I hereby attest that concurrence in the filing of
20 this document has been obtained from each of the above-listed signatories.


21 Respectfully submitted,

22 Dated: December 18, 2009

23 By: /s/ Anne E. Huffsmith

24 Anne E. Huffsmith
O’Melveny & Myers LLP
Counsel for Defendant and Counterclaimant
MICREL, INC.

25
26 PURSUANT TO STIPULATION IT IS SO ORDERED:



27 Dated: _____

28 The Honorable Susan Illston
United States District Judge