

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 ADVANCED MICRO DEVICES, 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
 17 GREGORY BENDER

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

21 GREGORY BENDER,
 22
 23 Plaintiff,
 24
 25 v.
 26
 27 ADVANCED MICRO DEVICES, INC.,
 28
 Defendant.

Case No. C09-01149 MMC

**STIPULATION AND [~~PROPOSED~~]
 ORDER**

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

3 WHEREAS AMD's Motion to Strike or Compel Patent L.R. 3-1 Compliant Infringement
4 Contentions is currently pending and will not be heard until January 27, 2010 (D.E. 26 and 34);

5 THEREFORE, pursuant to Civil Local Rule 6-2(a), the parties hereby STIPULATE and
6 AGREE that the deadline for AMD to serve Patent L.R. 3-3 and 3-4 Disclosures is the **later** of (a)
7 45 days after Bender serves infringement contentions that comply with Patent L.R. 3-1, OR (b) 14
8 days after the Court decides AMD'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 Dated: December 17, 2009

By: /s/ Mark E. Miller

14 Mark E. Miller
15 O'Melveny & Myers LLP
16 Counsel for Defendant
17 ADVANCED MICRO DEVICES, INC.

18 Dated: December 17, 2009 By:

/s/ David N. Kuhn

19 David N. Kuhn
20 Attorney-at-Law
21 Counsel for Plaintiff GREGORY BENDER

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

24 Respectfully submitted,

25 Dated: December 17, 2009

By: /s/ Anne E. Huffsmith

26 Anne E. Huffsmith
27 O'Melveny & Myers LLP
28 Counsel for Defendant
ADVANCED MICRO DEVICES, INC.

PURSUANT TO STIPULATION IT IS SO ORDERED:

29 Dated: 12/17/09

The Honorable Edward M. Chen
United States Magistrate

