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8 Attorneys for Plaintiff
9 FIRE INNOVATIONS, LLC

10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO

13 FIRE INNOVATIONS, LLC
14 (a California limited liability
company)

CASE NO. 3:09-cv-01703 BZ

15 Plaintiff

STIPULATION AND ~~PROPOSED~~ ORDER
TO EXTEND TIME FOR PLAINTIFF TO FILE
ITS INVALIDITY CONTENTIONS AND FOR
THE PARTIES TO FILE AND SERVE PAPERS
RELATING TO CLAIM CONSTRUCTION AND
THE CLAIM CONSTRUCTION HEARING

16 vs.

17 RIT RESCUE & ESCAPE SYSTEMS, INC.

18 Defendant.
19 _____/

20 The parties, by and through their respective attorneys, hereby stipulate and agree as
21 follows:

22 (1) Defendant has filed a Covenant Not to Sue, EFC-CAND Doc. No. 54.

23 (2) Defendant has indicated that it will in due course file a Motion to Dismiss relating to
24 the patent claims presently in the action. The motion is tentatively planned for hearing on June 2,
25 2010. Plaintiff opposes such an effort. The Court's decision on this matter will have a bearing on
26 the claims at issue in this case.

27 *Stipulation and [Proposed] Order to Extend Time*
28 *for Plaintiff to File its Invalidity Contentions*

CASE NO. 3:09-cv-01703 BZ

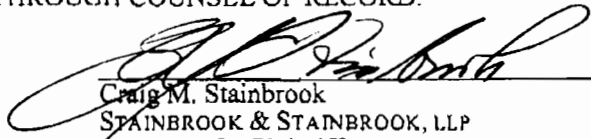
1 (3) The deadline for Plaintiff to file its invalidity contentions is currently set for April 17,
2 2010. Deadlines relating to the exchange of proposed terms of construction, to complete claims
3 construction discovery, to file a joint claim construction and pre-hearing statement, and to file
4 briefs for the claim construction hearing follow shortly thereafter.

5 (4) Plaintiff and Defendant believe it would serve the interests of judicial economy to
6 resolve the question of whether the patent claims will remain in this action before preparing and
7 filing papers relating to patent invalidity and claim prosecution.

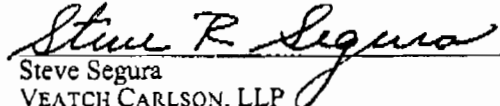
8 (5) Accordingly, the parties hereby stipulate and agree that Plaintiff shall have until July
9 2, 2010, to file its invalidity contentions, and that all other dates relating to claim construction
10 and claim construction discovery will be extended and/or continued a period of at least thirty (30)
11 days, the exact dates for which shall be presented to the Court in a proposed modified scheduling
12 order.

13
14 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

15 4/15/2010
16 Dated

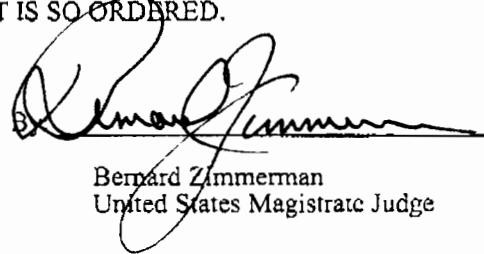

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18 STAINBROOK & STAINBROOK, LLP
19 Attorneys for Plaintiff
20 FIRE INNOVATIONS, LLC

18 4-15-10
19 Dated


20 Steve Segura
21 VEATCH CARLSON, LLP
22 Attorneys for Defendant
23 RIT RESCUE & ESCAPE SYSTEMS, INC.

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 DATED: 16 April 2010


26 Bernard Zimmerman
27 United States Magistrate Judge

28 *Stipulation and [Proposed] Order to Extend Time
for Plaintiff to File Its Invalidity Contentions*