

1 SAMUEL K. LU (SBN 171969)  
NATHAN LOWENSTEIN (SBN 241067)  
2 JONATHAN L. SEGAL (SBN 264238)  
IRELL & MANELLA LLP  
3 1800 Avenue of the Stars, Suite 900  
Los Angeles, California 90067-4276  
4 Telephone: (310) 277-1010  
Facsimile: (310) 203-7199  
5 E-mail: slu@irell.com  
E-mail: nlowenstein@irell.com  
6 E-mail: jsegal@irell.com

7 Attorneys for Plaintiff  
PLANTRONICS, INC.

ROBERT P. FELDMAN (SBN 69602)  
GABRIEL S. GROSS (SBN 254672)  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
555 Twin Dolphin Dr.,  
5th Floor  
Redwood Shores, CA 94065  
Telephone (650) 801-5078  
Facsimile: (650) 801-5100  
E-mail: bobfeldman@quinnemanuel.com  
E-mail: gabegross@quinnemanuel.com

Attorneys for Defendants  
ALIPH, INC. and ALIPHCOM, INC.

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

13 PLANTRONICS, INC.,

14  
15 Plaintiff,

16 v.

17  
18 ALIPH, INC. and ALIPHCOM, INC.,

19 Defendants.  
20

Case No. C 09-01714 BZ

**STIPULATION AND ~~PROPOSED~~  
ORDER LIFTING STAY**

21  
22  
23  
24  
25  
26  
27  
28  
STIPULATION AND [PROPOSED] ORDER  
LIFTING STAY C 09-01714 BZ

1 Plaintiff Plantronics, Inc. ("Plantronics"), by and through its undersigned counsel, and  
2 Defendants Aliph, Inc. and AliphCom, Inc. (collectively, "Aliph"), by and through their  
3 undersigned counsel, submit the following stipulation and proposed order:

4 WHEREAS, in the above-captioned case, Plantronics has sued Aliph for infringement of  
5 United States Patent No. 5,712,453 (the "'453 Patent");

6 WHEREAS, on November 9, 2009, Aliph filed in the United States Patent and Trademark  
7 Office ("PTO") an ex parte application for reexamination of the '453 patent;

8 WHEREAS, on November 20, 2009, the Court entered a stipulated order staying  
9 discovery and all pending dates in the Court's Case Management Order pending the outcome of  
10 the reexamination;

11 WHEREAS, on November 18, 2010, the PTO issued a Notice of Intent to Issue Ex Parte  
12 Reexamination Certificate confirming claims 1, 7, 10, and 11 of the '453 Patent (claims 2-6, 8, 9,  
13 and 12-15 were not subject to reexamination) and finding newly presented claims 16-56  
14 patentable;

15 ACCORDINGLY, the parties agree the stay imposed by the Court's November 20, 2009  
16 Order shall be lifted, and that the parties will confer and submit to the Court a modified  
17 procedural schedule by Friday, January 28, 2011.

18  
19 IT IS SO STIPULATED.

20  
21 Dated: January 21, 2011

IRELL & MANELLA LLP

22  
23 By: /s/ Nathan Lowenstein  
24 Nathan Lowenstein  
25 Attorneys for Plaintiff  
26 PLANTRONICS, INC.  
27  
28

STIPULATION AND [PROPOSED] ORDER  
LIFTING STAY C 09-01714 BZ

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

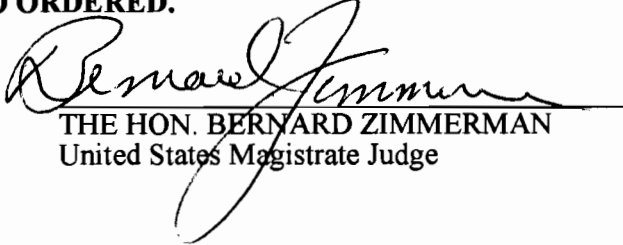
Dated: January 21, 2011

QUINN EMANUEL URQUHART & SULLIVAN,  
LLP

By: /s/ Gabriel Gross  
Gabriel Gross  
Attorneys for Defendants  
ALIPH, INC. and ALIPHCOM, INC.

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

Dated: January 24, 2011

  
THE HON. BERNARD ZIMMERMAN  
United States Magistrate Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Filer's Attestation:

I, Nathan Lowenstein, am the ECF user whose identification and password are being used to file this **STIPULATION AND [PROPOSED] ORDER LIFTING STAY**. In compliance with General Order 45.X.B, I hereby attest that Gabriel S. Gross concurs in this filing.

By: /s/ Nathan Lowenstein  
NATHAN LOWENSTEIN

CERTIFICATION OF SERVICE

I hereby certify that on January 21, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on file with the Clerk of Court.

By: /s/ Nathan Lowenstein  
NATHAN LOWENSTEIN