

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

TOWNSEND AND TOWNSEND AND CREW LLP
A. James Isbester (State Bar No. 129820)
Email: jisbester@townsend.com
David B. Perry (State Bar No. 255925)
Email: dbperry@townsend.com
Two Embarcadero Center, 8th Floor
San Francisco, California 94111
Telephone: 415.576.0200
Facsimile: 415.576.0300

Attorneys for Specially Appearing
Defendant WI-LAN INC.

MCKOOL SMITH, P.C.
Robert A. Cote (*pro hac vice*)
Email: rcote@mckoolsmith.com
One Bryant Park, 47th Floor
New York, NY 10036
Telephone: (212) 402-9400
Facsimile: (212) 402-9444

Michael G. McManus (*pro hac vice*)
Email: mmcmanus@mckoolsmith.com
1700 K Street NW, Suite 740
Washington, DC 20006
Telephone: (202) 370-8300
Facsimile: (202) 370-8344

Of Counsel for Specially Appearing
Defendant WI-LAN INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CALIX NETWORKS, INC., a Delaware
Corporation,

Plaintiff,

v.

WI-LAN INC., a Canadian Corporation,

Defendant.

Case No. CV 09-6038 CRB (DMR)

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING
DATE AND RELATED DEADLINES
FOR MOTION TO DISMISS AND TO
EXTEND DEADLINE FOR WI-LAN
TO PRODUCE RESPONSIVE
DOCUMENTS AND SUPPLEMENT
INTERROGATORY RESPONSES**

FILED

SEP 22 2010

**RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA**

1 In order to permit the parties additional time to pursue settlement options and to permit
2 Wi-LAN additional time to comply with the September 8, 2010 Order requiring Wi-LAN to
3 supply supplemental discovery responses, and pursuant to Civil L.R. 6-2, Plaintiff Calix Inc..
4 ("Calix") and Defendant Wi-LAN Inc. ("Wi-LAN") file this stipulated request for: (1) an
5 extension of 14 days for Wi-LAN, Inc. to comply with the Court's Order of September 8, 2010
6 (Dkt. No. 71); and (2) a continuance of the hearing date on Wi-LAN's Motion to Dismiss for
7 Lack of Personal Jurisdiction And/Or Motion to Transfer (Dkt. No.17) until November 5, 2010
8 or such date thereafter as is convenient to the Court; and (3) continuation of the dates for Calix to
9 file its opposition to Wi-LAN's Motion to Dismiss for Lack of Personal Jurisdiction And/Or
10 Motion to Transfer and for Wi-LAN to file its reply thereto.

11 The present declaratory judgment action concerns two patents owned by Wi-LAN. On
12 March 22, 2010, Wi-LAN filed a Motion to Dismiss for Lack of Personal Jurisdiction And/Or
13 Motion to Transfer ("Motion to Dismiss/Transfer") (Dkt. No. 17). On July 12, 2010, the Court
14 issued an Order (Dkt. No. 51) providing that the hearing on Wi-LAN's motion to
15 Dismiss/Transfer would be held October 22, 2010, and further providing that Plaintiff's
16 Opposition to Motion to Dismiss/Transfer is due no later than October 1, and Defendant's Reply
17 brief in support of Motion to Dismiss/Transfer will be due no later than October 8. (Dkt. No.
18 51). The Court similarly scheduled the Case Management Conference for October 22, 2010
19 (Dkt. No. 50).

20 In response to Wi-LAN's Motion to Dismiss/Transfer, Calix requested, and Wi-LAN
21 agreed, that it be permitted to conduct certain jurisdictional discovery. In the course of such
22 jurisdictional discovery, a dispute arose among the parties as to the time period that was subject
23 to discovery for a determination of personal jurisdiction. On June 30, 2010, Calix filed a motion
24 to compel responses to jurisdictional discovery reaching back to December of 2003 (Dkt. No.
25 43). On September 1, 2010, Magistrate Judge Ryu held a hearing on such motion. Also, on
26 September 1, 2010, Magistrate Judge Ryu issued a minute order granting in part and denying in
27 part Calix's motion to compel (Dkt. No. 70) ordering production on September 15, 2010. On

28 STIPULATION TO CONTINUE DEADLINES FOR MOTION TO DISMISS AND TO EXTEND
WI-LAN'S DEADLINE TO SUPPLEMENT DISCOVERY RESPONSES

1 September 8, Magistrate Judge Ryu issued a full Order Granting in Part and Denying in Part
2 Plaintiff's Motion to Compel Jurisdictional Discovery (Dkt. No. 71).

3 Wi-LAN has requested, and Calix has agreed, that jurisdictional discovery be deferred for
4 a fourteen (14) day period to permit the parties to engage in settlement discussions and to permit
5 Wi-LAN additional time to respond to Calix's discovery requests.

6 Accordingly, subject to the Court's approval, the parties hereby stipulate to the following
7 schedule:

8 1. The date for Wi-LAN Inc. to comply with the Court's Order of September 8, 2010
9 (Dkt. No.71) shall be extended until September 29, 2010.

10 2. The date for Calix to file its opposition to Wi-LAN's Motion to Dismiss/Transfer
11 (Dkt. No.17) shall be extended from October 1, 2010, to October 15, 2010.

12 3. The date for Wi-LAN to file its reply to Calix's opposition to Wi-LAN's Motion
13 to Dismiss/Transfer shall be extended from October 8 to October 22, 2010.

14 4. The hearing date on Wi-LAN's Motion to Dismiss/Transfer shall be extended
15 from October 22, 2010, until November 5, 2010, or such other date thereafter as is convenient to
16 the Court.

17 5. The date of the Initial Case Management Conference shall be extended until
18 November 5, 2010, or such other date thereafter as is convenient to the Court.

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: September 21, 2010.

Respectfully submitted,

McKool Smith, P.C.

By: /s/
Michael G. McManus
Attorneys for Specially Appearing
Defendant WI-LAN INC.

DATED: September 21, 2010.

Respectfully submitted,

REED SMITH LLP

By: /s/
James A. Daire (SBN 239637)
Attorneys for Plaintiff
CALIX NETWORKS, INC.

SIGNATURE ATTESTATION

I hereby attest that I have obtained the concurrence in the filing of this document for any signatures on this document indicated by a “conformed” signature(/s/) and I have on file records to support this concurrence for subsequent production to the Court if so ordered for inspection upon request.

DATED: September 21, 2010.

Respectfully submitted,

McKool Smith, P.C.

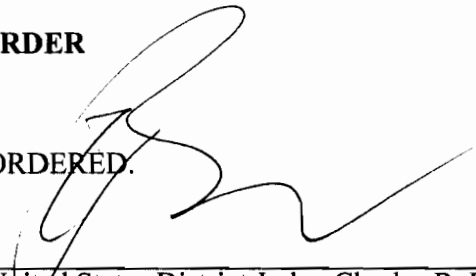
By: /s/
Michael G. McManus
Attorneys for Specially Appearing
Defendant WI-LAN INC.

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

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: Sept. 22, 2010



United States District Judge Charles R. Breyer