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 Rambus Inc.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

18 INTERNATIONAL BUSINESS
 MACHINES CORPORATION,

19 Plaintiff,

20 v.

21 RAMBUS INC.,

22 Defendant.

Case No. C 10-04017 JSW
 (Related Case: C 10-03736 JSW)

**STIPULATED REQUEST FOR ORDER
 RESCHEDULING CASE MANAGEMENT
 CONFERENCE;**

**SUPPORTING DECLARATION OF TINA E.
 HULSE;**

[PROPOSED] ORDER

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1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff International Business Machines
2 Corporation (“IBM”) and Defendant Rambus Inc. (“Rambus”), through their respective counsel of
3 record, stipulate to and respectfully request the Court to order as follows:

4 1. The Court held that *Rambus Inc. v. International Business Machines Corporation*,
5 Case No. C 10-03736 JSW (N.D. Cal.) (“the *Rambus* action”) is related to this action in its Related
6 Case Order entered on October 21, 2010 (Dkt. No. 16).

7 2. The Court ordered that the Case Management Conference in the *Rambus* action occur
8 on December 3, 2010, at 1:30 pm. Declaration of Tina E. Hulse (“Hulse Decl.”), Ex. A.

9 3. The Court also scheduled the Case Management Conference in this action for
10 December 3, 2010, at 1:30 pm. *See* Dkt. No. 17.

11 4. Rambus filed a Motion to Dismiss (Dkt. No. 19), which is scheduled to be heard on
12 January 14, 2011, at 9:00 am. *See* Dkt. No. 21.

13 5. The parties met and conferred on November 12, 2010, pursuant to Federal Rule of
14 Civil Procedure 26(f). Hulse Decl. ¶ 6.

15 6. The parties jointly request that the Court continue the Case Management Conference
16 for this action until the hearing on Rambus’s Motion to Dismiss, i.e., January 14, 2011. The parties
17 are concurrently making a similar request in the *Rambus* action. The parties are requesting the Court
18 to continue the Case Management Conferences in the interests of efficiency, as both parties’ lead
19 counsel reside on the East Coast and moving the Case Management Conferences would allow the
20 Court to hear all issues at once and would obviate the need for counsel to take two trips to California
21 within six weeks. *See id.* ¶¶ 6-8.

22 7. The parties further request that, in light of the new proposed date for the Case
23 Management Conference, the Joint Case Management Statement, Rule 26(f) Report, and Rule 26(a)
24 initial disclosures all be due on January 7, 2011.

25 By her signature below, counsel for Defendant attests that counsel for Plaintiff concurs in the
26 filing of this stipulation.

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Respectfully submitted,

Date: November 16, 2010

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Date: November 16, 2010

By: /s/ Tina E. Hulse
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Rambus Inc.

SUPPORTING DECLARATION OF TINA E. HULSE

I, TINA E. HULSE, declare as follows:

1. I am an associate at Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., counsel for Plaintiff Rambus Inc. (“Rambus”). I submit this declaration in support of the parties’ Stipulation Rescheduling Case Management Conference. I make this declaration of my own personal knowledge and will competently testify thereto if called upon to do so.

2. On October 21, 2010, the Court held in its Related Case Order that this action is related to *Rambus Inc. v. International Business Machines Corporation*, Case No. C 10-03736 JSW (N.D. Cal.) (“the *Rambus* action”). See Dkt. No. 16.

3. The Court’s September 21, 2010, Order Setting Case Management Conference and Requiring Joint Case Management Conference Statement (Dkt. No. 13) in the *Rambus* action (a true and correct copy of which is attached as Exhibit A) ordered that the Case Management Conference occur on December 3, 2010, at 1:30 pm.

4. On October 28, 2010, in its Order Setting Case Management Conference and Requiring Joint Case Management Conference Statement (Dkt. No. 17), the Court ordered that the Case Management Conference would also occur on December 3, 2010, at 1:30 pm.

5. On October 29, 2010, Rambus filed a Motion to Dismiss Complaint (Dkt. No. 19), which is scheduled to be heard by this Court on January 14, 2011, at 9:00 am. See Re-Notice of Defendant Rambus Inc.’s Motion to Dismiss Complaint (Dkt. No. 21).

6. The parties met and conferred on November 12, 2010, pursuant to Federal Rule of Civil Procedure 26(f). During that conference, which I attended, Rambus proposed stipulating that the Case Management Conferences for both actions be postponed until the hearing on Rambus’s Motion to Dismiss.

7. Because both parties’ lead counsel reside on the East Coast, continuing the Case Management Conference for both actions until the hearing on Rambus’s Motion to Dismiss serves the interests of efficiency, as doing so would allow the Court to hear all issues at once and would obviate the need for counsel to take two trips to California within six weeks.

1 8. On November 15, 2010, counsel for IBM informed counsel for Rambus that IBM
2 agreed to stipulate to changing the date of the Case Management Conference from December 3,
3 2010, to January 14, 2011, and the date for filing the Rule 26(f) report and serving Rule 26(a) initial
4 disclosures to January 7, 2011. Attached as Exhibit B is a true and correct copy of the November 15,
5 2010, e-mail correspondence from Douglas Sharrott, counsel for IBM, to Barbara McCurdy, counsel
6 for Rambus, indicating IBM's agreement to the stipulation.

7 9. There have been no previous time modifications of the Case Management Conference
8 following reassignment to this Court.

9 10. A change in time in the Case Management Conference from December 3, 2010, to
10 January 14, 2011, will not affect the schedule or any current deadlines, as a case schedule has not yet
11 been entered in this case.

12 I declare under penalty of perjury under the laws of the United States that the foregoing is
13 true and correct and this declaration was executed this 16th day of November, 2010, at Palo Alto,
14 California.

15 By: /s/ Tina E. Hulse
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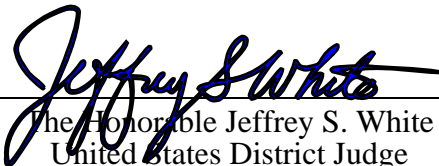
[PROPOSED] ORDER

Pursuant to the stipulation between the parties and good cause appearing, it is hereby ORDERED that:

1. The Case Management Conference shall be rescheduled to January 14, 2011, following arguments regarding Rambus's Motion to Dismiss (Dkt. No. 19).
2. The Joint Case Management Conference Statement and Rule 26(f) Report shall be filed no later than January 7, 2011.
3. The parties shall serve Rule 26(a) initial disclosures no later than January 7, 2011.

IT IS SO ORDERED.

Date: November 24, 2010


The Honorable Jeffrey S. White
United States District Judge
Northern District of California