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16	International Business Machines Corporation
17	UNITED STATES DISTRICT COURT
18	NORTHERN DISTRICT OF CALIFORNIA
19	) Case No. C 10-04017 JSW
•	INTERNATIONAL BUSINESS MACHINES ) (Related Case: C 10-03736 JSW)
20	CORPORATION,
01	) STIPULATION RE: CASE
21	Plaintiff, ) <b>SCHEDULE;</b>
22	v. ) ) SUPPORTING DECLARATION OF
	RAMBUS, INC., ) ROBERT H. FISCHER
23	) NODERT II, FISCHER
	Defendant. ) <b>[PROPOSED] ORDER</b>
24	)

1	Pursuant to Rule 6-2 and 7-12 of the Local Rules of Practice in Civil Proceedings before the
2	United States District Court for the Northern District of California, Plaintiff International Business
3	Machines Corporation ("IBM") and Defendant Rambus Inc. ("Rambus"), through their respective
4	counsel of record, wish to advise the Court that the parties have reached a settlement in principle, and
5	accordingly respectfully request, and with the Court's permission, stipulate to an additional two-week
6	extension of the current case schedule to allow the parties to prepare the necessary settlement papers.
7	More specifically, with the Court's permission, the parties hereby stipulate that the current schedule
8	set forth in the April 15, 2011, Stipulated Order [Dkt. 44] be modified as follows:

9	EVENT	CURRENT SCHEDULE	PROPOSED SCHEDULE
10 11	Rambus files opening summary judgment motion	July 22, 2011	August 5, 2011
11 12 13	IBM shall file opposition and cross-motion for summary judgment	August 5, 2011	August 19, 2011
13 14 15	Rambus shall file reply and opposition to cross-motion for summary judgment	August 19, 2011	September 2, 2011
16	IBM shall file reply in support of cross-motion for summary judgment	August 26, 2011	September 9, 2011
17 18	Hearing on Cross-Dispositive Motions	September 23, 2011, or any later date subject to the Court's calendar	October 7, 2011, or any later date subject to the Court's calendar
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20	By his signature below, coun	sel for Plaintiff attests that couns	sel for Defendant concurs in the
21	filing of this stipulation.		

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CV 10-04017 JSW - STIPULATION RE: CASE SCHEDULE; SUPPORTING DECLARATION OF ROBERT H. FISCHER; [PROPOSED] ORDER \$2

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2	2 Resp	Respectfully submitted,	
3	3		
4	4 Dated: May 11, 2011.	/s/ Robert H. Fischer	
5	5	Robert H. Fischer, <i>Pro Hac Vice</i> Anthony M. Zupcic, <i>Pro Hac Vice</i> Douglas Sharrott, <i>Pro Hac Vice</i>	
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11		y: <u>/s/ Edward A. Kmett</u>	
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19	9	Attorneys for Plaintiff	
20		IBM Corporation	
20	Date: May 11, 2011 FINN	IEGAN, HENDERSON, FARABOW, RRETT & DUNNER, L.L.P.	
22	Ву	/s/ Tina E. Hulse	
23		ina E. Hulse (CA Bar No. 232936) na.hulse@finnegan.com	
24	CV 10-04017 JSW - STIPULATION RE: CASE S DECLARATION OF ROBERT H. FISCHER; [PF		

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24	CV 10-04017 JSW - STIPULATION RE: CASE SCHEDULE; SUPPORTING DECLARATION OF ROBERT H. FISCHER; [PROPOSED] ORDER

## SUPPORTING DECLARATION OF ROBERT H. FISCHER

I, ROBERT H. FISCHER, declare as follows:

1. I am a partner in the firm Fitzpatrick, Cella, Harper & Scinto, counsel for Plaintiff International Business Machines Corporation ("IBM"). I submit this declaration in support of the parties' Stipulation Regarding Case Schedule. I make this declaration of my own personal knowledge and will competently testify thereto if called upon to do so.

2. On April 15, 2011, the Court entered a Stipulated Order [Dkt. 44], which sets forth a briefing schedule for cross-motions for summary judgment. The Stipulated Order also sets the hearing on cross-dispositive motions for September 23, 2011, or any later date, subject to the convenience of the Court's calendar.

3. The parties, both the respective corporate representatives and outside counsel, have been actively discussing resolution of this case, and have reached a settlement in principle. Accordingly, the parties have met and conferred and agree that continuing the case schedule for two weeks will facilitate preparation of the necessary settlement papers precedent to resolution of this action.

- 4. The Court previously granted the Stipulated Order to permit settlement discussions.Otherwise, the only time modification in this case was to change the Case Management Conference from December 3, 2010, to January 14, 2011, to coincide with the hearing on Rambus's motion to dismiss. *See* Dkt. 30.
- 5. The requested modification in the current case schedule will not affect any other pre-trial deadlines, as the pre-trial schedule has not yet been entered in this case.

CV 10-04017 JSW - STIPULATION RE: CASE SCHEDULE; SUPPORTING DECLARATION OF ROBERT H. FISCHER; [PROPOSED] ORDER

1	I declare under penalty of perjury under the laws of the United States that the foregoing is true
2	and correct, and this declaration was executed this 11th day of May, 2011.
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4	/s/ Robert H. Fischer
5	Robert H. Fischer
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24	CV 10-04017 JSW - STIPULATION RE: CASE SCHEDULE; SUPPORTING DECLARATION OF ROBERT H. FISCHER; [PROPOSED] ORDER

1	<del>[PROPOSED]</del> ORDER
2	
3	PURSUANT TO STIPULATION, IT IS SO ORDERED.
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5	Dated: May 12, 2011
6	he Hohorable Jeffrey S. White United States District Judge Northern District of California
7	Northern District of Camornia
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24	CV 10-04017 JSW - STIPULATION RE: CASE SCHEDULE; SUPPORTING DECLARATION OF ROBERT H. FISCHER; [PROPOSED] ORDER