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24 Attorneys for Defendants
 25 OPLINK COMMUNICATIONS, INC., and
 26 OPTICAL COMMUNICATION
 27 PRODUCTS, INC.

28 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

21 FINISAR CORPORATION, a Delaware
 22 corporation,

23 Plaintiff,

24 v.

25 OPLINK COMMUNICATIONS, INC., a
 26 Delaware corporation, OPTICAL
 27 COMMUNICATION PRODUCTS, INC.,
 28 a Delaware corporation,

Defendants.

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Attorneys for Plaintiff
 FINISAR CORPORATION

Case No. 5:10-cv-05617-RS

**JOINT STIPULATION AND
 [PROPOSED] ORDER EXTENDING
 DEADLINE**

1.

**JOINT STIPULATION AND ORDER
 EXTENDING DEADLINE
 CASE NO. 5:10-CV-05617-RS**

1 **Whereas**, the parties seek the Court’s clarification of certain deadlines and requirements
2 relating to issues of validity under 35 U.S.C. § 112;

3 ***It is hereby Stipulated and Ordered that:***

- 4 1. Other than for terms for which a party otherwise seeks a construction from the
5 Court or for 35 U.S.C. § 112(6) terms, it is not necessary for the parties to address
6 35 U.S.C. § 112 invalidity issues in Patent Local Rule 4 disclosures and not
7 addressing such issues in the Patent Local Rule 4 disclosures will not be deemed a
8 waiver of any of parties’ rights, defenses, or claims.
- 9 2. The deadline for filing any opening motions for summary judgment relating to
10 alleged invalidity under 35 U.S.C. § 112 will be the same as the deadline for filing
11 opening summary judgment briefs on other issues—a deadline which has yet to be
12 ordered by the Court,

13 ***So Stipulated:***

14 Dated: October 24, 2011

COOLEY LLP

s/Sarah J. Guske

Sarah J. Guske (232467)

Attorneys for Defendants
OPLINK COMMUNICATIONS, INC., AND
OPTICAL COMMUNICATION PRODUCTS,
INC.

19 Dated: October 24, 2011

MORGAN, LEWIS & BOCKIUS LLP

s/Dion Bregman

Dion Bregman

Attorneys for Plaintiff
FINISAR CORPORATION

23 *Filer’s Attestation re signatures: Sarah J. Guske hereby attests that concurrence in the filing of*
24 *this document has been obtained.*

25 ***IT IS SO ORDERED:***

26 Dated: October 25, 2011



United States District Court Judge

2.

**JOINT STIPULATION AND ORDER
EXTENDING DEADLINE
CASE No. 5:10-cv-05617-RS**