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 and
 OPTICAL COMMUNICATION
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16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION

20 FINISAR CORPORATION,
 21 Plaintiff,
 22 v.
 23 OPLINK COMMUNICATIONS INC.,
 24 OPTICAL COMMUNICATION
 25 PRODUCTS, INC.,
 26 Defendants.

CASE NO. 3:10-cv-05617 RS

**STIPULATION AND [PROPOSED]
 ORDER TO AMEND CLAIM
 CONSTRUCTION SCHEDULE UNDER
 CIV. L.R. 6-2**

1 Plaintiff FINISAR CORPORATION (“Finisar”) and Defendants OPLINK
2 COMMUNICATIONS INC., OPTICAL COMMUNICATION PRODUCTS, INC. (“Oplink”), by
3 and through their respective counsel, hereby submit, pursuant to Civil L.R. 6-1(b), 6-2 and 7-12,
4 this stipulated and agreed request that the Court delay the Claim Construction Briefing Schedule
5 by two weeks.

6 WHEREAS the parties participated in Court-ordered mediation before Mr. Wulff on
7 November 30, 2011;

8 WHEREAS the parties are continuing to participate in good faith in continuing, active
9 negotiations towards a settlement;

10 WHEREAS the parties believe in good faith that this litigation may be settled within the
11 next two weeks;

12 WHEREAS the Court issued its Amended Joint Schedule and Order (Docket No. 54) on
13 August 2, 2011 (the “Scheduling Order”);

14 WHEREAS the Court issued a Stipulation and Order to Amend Claim Construction
15 Schedule Under Civ. L.R. 6-2 on December 1, 2011;

16 WHEREAS the Stipulation and Order requires Finisar to file its Patent L.R. 4-5(a)
17 Opening Claim Construction Brief on December 14, 2011;

18 WHEREAS the Stipulation and Order requires Oplink to file its Patent L.R. 4-5(b)
19 Responsive Claim Construction Brief on January 4, 2011;

20 WHEREAS the Stipulation and Order requires Finisar to file its Patent L.R. 4-5(c) Reply
21 Claim Construction Brief on January 11, 2011;

22 WHEREAS the Stipulation and Order set a tutorial for the Court on January 18, 2012;

23 WHEREAS the Stipulation and Order set the Claim Construction Hearing on January 20,
24 2012;

25 WHEREAS the requested time modification will have minimal effect on any other
26 scheduled dates;

27 WHEREAS the parties agree that delaying the claim construction briefing schedule by
28 about two weeks may prevent unnecessary expense, promote judicial economy, and increase the

1 likelihood of an extra-judicial settlement in this litigation;

2 **IT IS HEREBY STIPULATED AND AGREED:**

3 Subject to the Court's approval, the Scheduling Order shall be amended as follows:

4

5 Patent L.R. 4-5(a) Opening Claim Construction Brief	January 6, 2012
6 Patent L.R. 4-5(b) Responsive Claim Construction Brief	January 20, 2012
7 Patent L.R. 4-5(c) Reply Claim Construction Brief	January 27, 2012
8 Tutorial	February 15, 2012 (Court's schedule February 22, 2012 at 10:00 am permitting)
10 Claim Construction Hearing	February 17, 2012 (Court's schedule February 24, 2012 at 10:00 am permitting)

11

12 Dated: December 14, 2011

RESPECTFULLY SUBMITTED,

13 MORGAN, LEWIS & BOCKIUS LLP

14

15 By /s/ Michael J. Lyons
16 Michael J. Lyons
17 Attorneys for Plaintiff
FINISAR CORPORATION

18 I, Michael J. Lyons, am the ECF User whose ID and password are being used to file this
19 STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I
20 hereby attest that the signatory identified below has concurred in this filing.

21

22 Dated: December 14, 2011

COOLEY LLP

23

24 By /s/ Sarah Guske
25 Sarah Guske
26 Attorneys for Defendant
OPLINK COMMUNICATIONS INC.,
27 OPTICAL COMMUNICATION
PRODUCTS, INC.,

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

That the Stipulation and [~~Proposed~~] Order To Amend Claim Construction Schedule Under Civ. L.R. 6-2 is hereby adopted by the Court. The parties shall comply with this Order.

Dated: 12/14, 2011



HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE