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12 ATTORNEYS FOR DEFENDANT
 13 SONY COMPUTER ENTERTAINMENT AMERICA LLC

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

18 OLYMPIC DEVELOPMENTS AG, LLC,
 19 Plaintiff,
 20 v.
 21 SONY COMPUTER ENTERTAINMENT
 22 AMERICA LLC,
 23 Defendants.

Case No. C-11-01080 JCS

**JOINT STIPULATION AND MOTION
 TO PERMIT PLAINTIFF TO FILE A
 SECOND AMENDED COMPLAINT
 REMOVING ALLEGATIONS OF
 INDIRECT INFRINGEMENT AND TO
 VACATE DEADLINE FOR FILING
 RENEWED MOTIONS**

1 Pursuant to Civil L.R. 7-12 and Federal Rule of Civil Procedure 15(a)(2), Plaintiff
2 Olympic Developments AG, LLC (“Plaintiff”) and Defendant Sony Computer Entertainment
3 America LLC (“SCEA”) (jointly, the “Parties”), by and through their respective counsel, hereby
4 agree and stipulate that Plaintiff be permitted to file a Second Amended Complaint on or before
5 Monday, April 25, 2011 that omits any and all claims of indirect infringement (including
6 induced infringement and contributory infringement). Further, Plaintiff and Defendant hereby
7 stipulate and agree that the April 25, 2011 deadline for Defendant to file renewed motions or
8 otherwise respond to Plaintiff’s First Amended Complaint be vacated. Finally, Plaintiff and
9 Defendant hereby stipulate and agree that Defendant will not be required to file an Answer or
10 other responsive pleadings to Plaintiff’s forthcoming Second Amended Complaint until 14 days
11 after service of the Second Amended Complaint, pursuant to Federal Rule of Civil Procedure
12 15(a)(3). In support of the Parties’ stipulation, the Parties state as follows:

13 1. Plaintiff filed the present action in the Central District of California on
14 September 28, 2010 (Case No. CV10-07237, Dkt. No. 1) and served SCEA with the Summons
15 and Complaint on September 30, 2010 (Case No. CV10-07237, Dkt No. 10). On November 18,
16 2010, Plaintiff filed a First Amended Complaint (Case No. CV10-07237, Dkt. No. 34), and a
17 corresponding new Complaint related to SCEA and other Defendants (Case No. 2:10-CV-
18 08874, Dkt. No. 1). On January 6, 2011, SCEA and other Defendants filed a motion to dismiss
19 Plaintiff’s claim of indirect infringement (Case No. 2:10-CV-08874, Dkt. No. 39)

20 2. Before deciding Defendants’ motion to dismiss Plaintiff’s indirect infringement
21 claim, the Central District ordered the case against SCEA transferred to the Northern District of
22 California, San Francisco Division, pursuant to the Parties’ stipulation on February 28, 2011
23 (Case No. 2:10-CV-08874, Dkt. No. 66). In that Order, the Central District stated that “SCEA
24 shall have 14 days from the docketing of those claims in the Northern District of California to
25 file a renewed version of the Motion to Dismiss (which may include new arguments and
26 authorities) or otherwise respond to the First Amended Complaint.” *Id.* The present case was
27 docketed in the Northern District of California on March 11, 2011 (Dkt. Nos. 68, 70). The
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1 Parties stipulated on March 25, 2011 that SCEA shall have until April 25, 2011 to file a renewed
2 version of its motion to dismiss or otherwise respond to Plaintiff's First Amended Complaint.
3 (Dkt Nos. 72, 73).

4 3. Since the present case was transferred to this Court, the Parties have met and
5 conferred and agreed that Plaintiff will file a Second Amended Complaint on or before April 25,
6 2011, and will therein omit any and all claims of indirect infringement (including induced
7 infringement and contributory infringement). Plaintiff's previous claims of indirect
8 infringement are to be stricken. The Parties also agreed after conferring that the April 25, 2011
9 deadline to file renewed motions regarding Plaintiff's indirect infringement allegations should be
10 vacated. The Parties also agreed that pursuant to Federal Rule of Civil Procedure 15(a)(3),
11 Defendants shall have until 14 days after Plaintiff files its Second Amended Complaint to
12 Answer or otherwise file responsive pleadings or motions, including renewed motions.

13 WHEREFORE, the Parties, through their respective counsel, hereby stipulate to and
14 request this Court to enter an Order vacating the April 25, 2011 deadline for SCEA to file
15 renewed motions regarding Plaintiff's indirect infringement allegations, ordering Plaintiff to file
16 a Second Amended Complaint removing any and all allegations of indirect infringement
17 (including induced infringement and contributory infringement) no later than April 25, 2011,
18 and establishing the date for SCEA to file an Answer or other responsive pleadings or motions
19 to Plaintiff's Second Amended Complaint at 14 days after the Second Amended Complaint is
20 filed.

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Dated: April 21, 2011

Respectfully submitted,

WHITE FIELD, INC.

By: /s/ Steven W. Ritcheson

Steven W. Ritcheson
ATTORNEY FOR PLAINTIFF OLYMPIC
DEVELOPMENTS AG, LLC

Dated: April 21, 2011

Respectfully submitted,

SHOOK, HARDY & BACON

By: /s/ Eric A. Buresh

Eric A. Buresh
ATTORNEY FOR DEFENDANT
SONY COMPUTER ENTERTAINMENT
AMERICA LLC

Pursuant to General Order No. 45.X.B., the below filer attests that concurrence in the filing of this document has been obtained from the above Signatories.

Dated: April 21, 2011

/s/ Andrew L. Chang
Andrew L. Chang

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 4/22/11

HONORABLE
UNITED STATES JUDGE

