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NIMBLE STORAGE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NIMBUS DATA SYSTEMS, INC., a  
Delaware corporation,

Plaintiff,

v.

NIMBLE STORAGE INC., a Delaware  
corporation,

Defendant.

Case No. C11-01214 RS

**STIPULATION AND ~~[PROPOSED]~~ REVISED  
CASE MANAGEMENT ORDER**

**STIPULATION AND ~~[PROPOSED]~~ REVISED  
CASE MANAGEMENT ORDER  
C-11-01214 RS**

Plaintiff Nimbus Data Systems, Inc. and Defendant Nimble Storage Inc. hereby submit the following Stipulation and ~~Proposed~~ Revised Case Management Order.

1. As discussed in their Joint Status Update on November 18, 2011, the parties participated in a private mediation with Randall W. Wulff, Esq. on December 6, 2011.

2. The parties did not reach a resolution of their dispute at the mediation. However, they are interested in continuing to discuss settlement informally and believe that it would serve the interests of the parties and judicial economy if discovery were stayed for a short time and the Case Management Scheduling Order were modified as set forth below to allow those discussions to continue unhindered. The proposed revised schedule would not postpone the hearing date for dispositive motions, the pretrial conference or the date of trial.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the parties in this action, by and through their respective counsel of record, that:

1. No party shall serve discovery or notice depositions before January 11, 2012.

2. The Case Management Scheduling Order entered by the Court on July 21, 2011, is modified as follows:

EVENT	DEADLINE	REVISED DEADLINE
Completion of fact discovery	February 17, 2012	March 30, 2012
Designation of experts	March 16, 2012	April 13, 2012
Designation of Defendant's deductible costs expert <sup>1</sup>	March 23, 2012	April 20, 2012
Designation of rebuttal experts <sup>2</sup>	April 20, 2012	May 4, 2012
Completion of expert discovery	May 18 2012	May 25, 2012
Last day to hear dispositive motions	July 12, 2012	July 12, 2012
Pretrial conference	August 30, 2012	August 30, 2012
Trial	September 10, 2012	September 10, 2012

<sup>1</sup> Plaintiff intends to seek disgorgement of Defendant's net profits and to offer expert opinion thereon as part of its expert disclosures. The parties agree that Defendant need not offer expert opinion on deductible costs until after Plaintiff provides its expert report on net profits; thus, a separate deadline is included for designation of Defendant's deductible costs expert.

<sup>2</sup> The deadline for the designation of rebuttal experts is for rebuttal to all experts, including Defendant's deductible costs expert.

1 IT IS SO STIPULATED.

2  
3 Dated: December 12, 2011

MORRISON & FOERSTER LLP

4 /s/

5 Jennifer Lee Taylor

6 Attorneys for Plaintiff  
7 NIMBUS DATA SYSTEMS, INC.

8 Dated: December 12, 2011

COOLEY LLP

9 /s/

10 Angela L. Dunning

11 Attorneys for Defendant  
12 NIMBLE STORAGE INC.

13 **FILER'S ATTESTATION**

14 Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that  
15 all parties have concurred in the filing of this Stipulation and [Proposed] Revised Case  
16 Management Order.

17  
18 Dated: December 12, 2011

COOLEY LLP

19 /s/

20 Angela L. Dunning

21 Attorneys for Defendant  
22 NIMBLE STORAGE INC.

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**REVISED CASE MANAGEMENT ORDER**

The Court hereby adopts the schedule set forth in Section 17 of the foregoing Revised  
[~~Proposed~~] Case Management Order, and the parties are ordered to comply with this Order.

**IT IS SO ORDERED.**

Dated: 12/13/11

  
\_\_\_\_\_  
Honorable Richard Seeborg

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