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 12 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
 13 **SAN FRANCISCO DIVISION**

|                            |   |   |
|----------------------------|---|---|
| 14 ADC TECHNOLOGY, INC.    | ) | Case No. 3:11-cv-02136-EMC              |
|                            | ) |   |
| 15 Plaintiff,              | ) | <b>JOINT STIPULATION AND [PROPOSED]</b> |
|                            | ) | <b>ORDER REGARDING CONTINUANCE</b>      |
| 16 v.                      | ) | <b>OF JANUARY 24, 2013 CASE</b>         |
|                            | ) | <b>MANAGEMENT CONFERENCE</b>            |
| 17 PALM, INC., and         | ) |   |
| 18 HEWLETT-PACKARD COMPANY | ) | <b>Civil L.R. 7-12</b>                  |
|                            | ) |   |
| 19 Defendants.             | ) |   |
|                            | ) |   |
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 Joint Stipulation and [Proposed] Order Regarding Continuance  
 of January 24, 2013 Case Management Conference

1           The parties to this action—plaintiff ADC Technology, Inc. (“ADC”) and defendants Palm,  
2 Inc. and Hewlett-Packard Co. (collectively, “Palm”)—respectfully submit this stipulation, requesting  
3 that the Court continue the Case Management Conference previously scheduled in this action for  
4 January 24, 2013 to a date in May 2013, or an alternative future date that is convenient to the Court.

5           Good cause exists for this requested continuance of the Case Management Conference, since  
6 (a) this action is presently stayed pending reexamination of the patents-in-suit by the United States  
7 Patent and Trademark Office (“PTO”) and (b) there has not yet been a final determination of the  
8 reexamination of the patents-in-suit, as set forth below:

- 9           ▪ This is a patent case in which the plaintiff, ADC, asserts three patents—namely, U.S.  
10 Patent Nos. 6,985,136 (the “136 patent”), 7,057,605 (the “605 patent”) and 7,567,361  
11 (the “361 patent”) (collectively, the “patents-in-suit”).
- 12           ▪ In mid-2011, pursuant to a third-party request, the PTO ordered reexamination of each of  
13 the three patents-in-suit.
- 14           ▪ In July 2011, defendant Palm filed a stipulated motion to stay this case pending final  
15 determination of the reexamination of the patents-in-suit by the PTO. (*See* Docket  
16 No. 68.) Plaintiff ADC stipulated to this stay motion. (*Id.*)
- 17           ▪ On July 25, 2011, the Court granted the stipulated stay motion and ordered that “[t]his  
18 action is stayed pending final determination of the reexamination of the patents-in-suit”  
19 by the PTO. (*See* Docket No. 70.) In its order, the Court instructed the parties to advise  
20 the Court when the PTO has issued a final determination on reexamination. (*Id.*) In  
21 addition, the Court set a case management conference for May 11, 2012, which was  
22 subsequently re-set for May 18, 2012. (*Id.*)
- 23           ▪ In May 2012, defendant Palm and plaintiff ADC filed a joint stipulation requesting  
24 continuance of the case management conference until a date in September 2012, noting  
25 that there has not yet been a final determination of the reexamination of all of the patents-  
26 in-suit and indicating agreement that a continued stay in this action was appropriate. (*See*

1 Docket No. 72.) The Court thereafter granted the stipulated request and re-set the case  
2 management conference for September 28, 2012. (*See* Docket No. 73.)

- 3 ■ In September 2012, defendant Palm and plaintiff ADC filed a joint stipulation requesting  
4 continuance of the case management conference until a date in January 2013, again  
5 noting that there has not yet been a final determination of the reexamination of all of the  
6 patents-in-suit and indicating agreement that a continued stay in this action was  
7 appropriate. (*See* Docket No. 74.) The Court thereafter granted the stipulated request  
8 and re-set the case management conference for January 25, 2013. (*See* Docket No. 75.)
- 9 ■ In December 2012, the Clerk issued a notice resetting the case management conference  
10 for January 24, 2013. (*See* Docket No. 76.)
- 11 ■ There has not yet been a final determination of the reexamination of all of the patents-in-  
12 suit. Although the PTO issued a reexamination certificate for the '136 patent in  
13 December 2011, the reexamination proceedings that the PTO initiated in mid-2011 on the  
14 '605 and '361 patents remain ongoing. And in addition to the reexamination proceedings  
15 initiated by the PTO in mid-2011, the PTO has initiated additional reexamination  
16 proceedings on the '136, '361, and '605 patents in July, November, and December 2012,  
17 respectively. Reexamination proceedings for all of the patents-in-suit thus remain  
18 ongoing.
- 19 ■ The parties presently agree that (a) this action should remain stayed pending a final  
20 determination of the reexamination of the patents-in-suit and (b) the Case Management  
21 Conference should be continued to a date in May 2013, or an alternative future date that  
22 is convenient to the Court. The parties further agree that if any of the reexaminations are  
23 completed before the rescheduled Case Management Conference, either party may file a  
24 motion to have the stay lifted, and the other party may oppose the motion.

25 In view of the foregoing, the parties respectfully request that the Case Management  
26 Conference previously set for January 24, 2013 be continued to a date in May 2013, or an alternative  
27 future date that is convenient to the Court.

1 Dated: January 10, 2013

/s/ Nathan L. Walker

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11

12  
13 Dated: January 10, 2013

/s/ Richard B. Megley, Jr.

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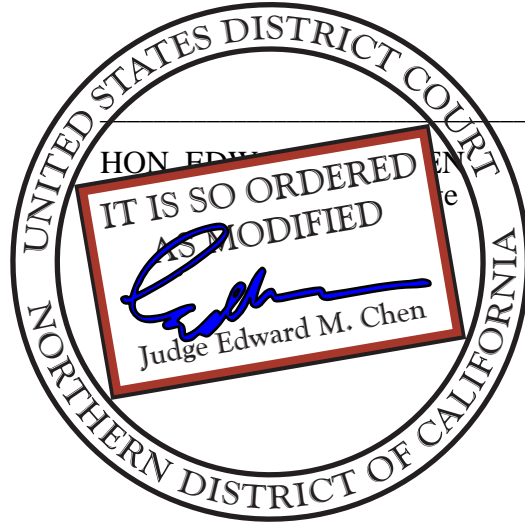
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1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2 The Case Management Conference previously set for January 24, 2013 at 9:00 a.m. is hereby  
3 continued to May 16, 2013 at 9:00 a.m., in Courtroom 5, 17th Floor, 450 Golden Gate Avenue, San  
4 Francisco, California. A joint CMC Statement shall be filed by May 9, 2013.

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6 Dated: January 10, 2013



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**SIGNATURE ATTESTATION**

I, Nathan L. Walker, hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on January 10, 2013, in Palo Alto, California.

By:           /s/ Nathan L. Walker            
Nathan L. Walker