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PALM, INC. and
HEWLETT-PACKARD COMPANY

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

ADC TECHNOLOGY, INC.) Case No. 3:11-cv-02136-EMC
)
Plaintiff,) **JOINT STIPULATION AND [PROPOSED]**
) **ORDER REGARDING CONTINUANCE**
v.) **OF DECEMBER 10, 2013 CASE**
) **MANAGEMENT CONFERENCE**
PALM, INC., and)
HEWLETT-PACKARD COMPANY) **Civil L.R. 7-12**
)
Defendants.)
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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 December 10, 2013 to a date in March 2014, or an alternative future date that is convenient to the
5 Court.

6 Good cause exists for this requested continuance of the Case Management Conference, as set
7 forth below:

- 8 ▪ This is a patent case in which the plaintiff, ADC, asserts three patents—namely, U.S.
9 Patent Nos. 6,985,136 (the “136 patent”), 7,057,605 (the “605 patent”) and 7,567,361
10 (the “361 patent”) (collectively, the “patents-in-suit”).
- 11 ▪ In mid-2011, pursuant to a third-party request, the PTO ordered reexamination of each of
12 the three patents-in-suit.
- 13 ▪ In July 2011, defendant Palm filed a stipulated motion to stay this case pending final
14 determination of the reexamination of the patents-in-suit by the PTO. (*See* Docket
15 No. 68.) Plaintiff ADC stipulated to this stay motion. (*Id.*)
- 16 ▪ On July 25, 2011, the Court granted the stipulated stay motion and ordered that “[t]his
17 action is stayed pending final determination of the reexamination of the patents-in-suit”
18 by the PTO. (*See* Docket No. 70.) In its order, the Court instructed the parties to advise
19 the Court when the PTO has issued a final determination on reexamination. (*Id.*) In
20 addition, the Court set a case management conference for May 11, 2012, which was
21 subsequently re-set for May 18, 2012. (*Id.*)
- 22 ▪ In May and September, 2012 and in January, May, and September 2013, defendant Palm
23 and plaintiff ADC filed stipulations requesting continuance of the case management
24 conference, noting that there has not yet been a final determination of the reexamination
25 of all of the patents-in-suit and indicating agreement that a continued stay in this action
26 was appropriate. (*See* Docket Nos. 72, 74, 77, 82.) The Court granted the stipulated

1 requests and re-set the case management conference, which is currently set for December
2 10, 2013. (*See* Docket Nos. 73, 75, 78, 81, 83, 84.)

- 3 ■ To date, there has not yet been a final determination of the reexamination of all of the
4 patents-in-suit. Although the PTO issued a reexamination certificates for the '136, '361,
5 and '605 patents in December 2011 and September 2013, the PTO initiated additional
6 reexamination proceedings on the '136, '361, and '605 patents in July, November, and
7 December 2012, respectively. ADC represents that it is still in the process of dismissing
8 before the PTO all of these additional reexamination proceedings and that, upon
9 dismissal, there will be no reexaminations proceedings pending with respect to the '136
10 patent.
- 11 ■ Recently, ADC and Palm have engaged in more serious discussions in order to try and
12 resolve the dispute. The parties believe they need additional time to fully exhaust
13 reasonable efforts to settle the case.
- 14 ■ The parties presently agree that the Case Management Conference should be continued to
15 a date in March 2014, or an alternative future date that is convenient to the Court in view
16 of the pending reexaminations and to allow the parties some brief additional time to try
17 and settle the case without burdening the Court. The parties further agree that if any of
18 the reexaminations are completed before the rescheduled Case Management Conference,
19 either party may file a motion to have the stay lifted, and the other party may oppose the
20 motion.

21 In view of the foregoing, the parties respectfully request that the Case Management
22 Conference previously set for December 10, 2013, be continued to a date in March 2014, or an
23 alternative future date that is convenient to the Court.

1 Dated: November 26, 2013

/s/ Nathan L. Walker

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17 Dated: November 26, 2013

/s/ Richard B. Megley

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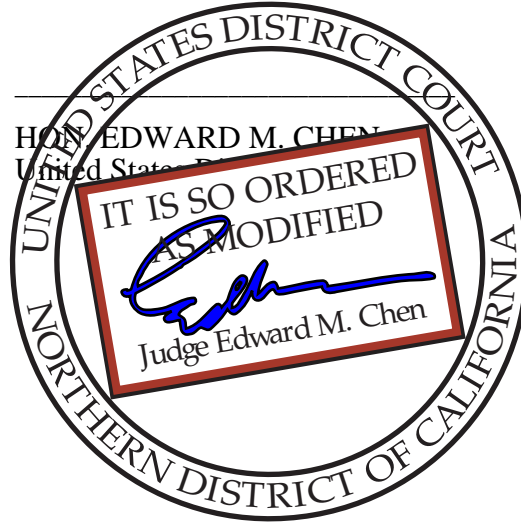
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ATTORNEYS for Plaintiff
ADC TECHNOLOGY, INC.

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

2 The Case Management Conference previously set for December 10, 2013 at 9:00 a.m. is
3 hereby continued to March ²⁷, 2014 at 9:00 a.m., in Courtroom 5, 17th Floor, 450 Golden Gate
4 Avenue, San Francisco, California.

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6 Dated: ~~November~~ ^{12/2}, 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 signatory. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on November 26, 2013, in Palo Alto, California.

By: /s/ _____
Nathan L. Walker