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13 Attorneys for Plaintiff  
 ADC TECHNOLOGY, INC.

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

17 ADC TECHNOLOGY, INC. )  
 )  
 18 Plaintiff, )  
 )  
 19 v. )  
 )  
 20 PALM, INC., and )  
 HEWLETT-PACKARD COMPANY )  
 21 Defendants. )  
 22 )  
 23 )  
 24 )  
 25 )

Case No. 3:11-cv-02136-EMC  
**JOINT STIPULATION AND [PROPOSED]**  
**ORDER REGARDING CONTINUANCE**  
**OF MARCH 27, 2014 CASE**  
**MANAGEMENT CONFERENCE**  
 Civil L.R. 7-12

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 March 27, 2014 to a date in May, 2014, or an alternative future date that is convenient to the Court.

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

- 7
- 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, September, and December, 2013,  
23 defendant Palm and plaintiff ADC filed stipulations requesting continuance of the case  
24 management conference, noting that there has not yet been a final determination of the  
25 reexamination of all of the patents-in-suit and indicating agreement that a continued stay  
26 in this action was appropriate. (*See* Docket Nos. 72, 74, 77, 82, 85.) The Court granted

1 the stipulated requests and re-set the case management conference, which is currently set  
2 for March 27, 2014. (See Docket Nos. 73, 75, 78, 81, 83, 84, 86.)

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

24 In view of the foregoing, the parties respectfully request that the Case Management  
25 Conference previously set for March 27, 2014, be continued to a date in May 2014, or an alternative  
26 future date that is convenient to the Court.

1 Dated: March 13, 2014

/s/ Richard B. Megley, Jr.

2 Raymond P. Niro (*pro hac vice*)  
3 Dean D. Niro (*pro hac vice*)  
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18 ATTORNEYS for Plaintiff  
19 ADC TECHNOLOGY, INC.

20 Dated: March 13, 2014

/s/ Nathan L. Walker (*with permission*)

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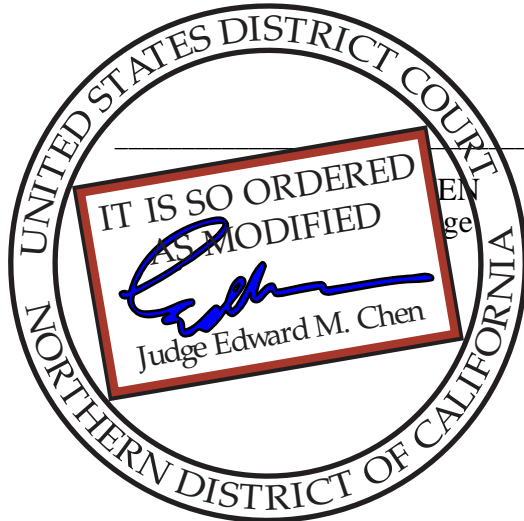
Attorneys for Defendants  
PALM, INC. and  
HEWLETT-PACKARD COMPANY

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

The Case Management Conference previously set for March 27, 2014 at 9:00 a.m. is hereby continued to May <sup>29</sup> \_\_\_, 2014 at 9:00 a.m., in Courtroom 5, 17th Floor, 450 Golden Gate Avenue, San Francisco, California. A joint CMC statement shall be filed by May 22, 2014.

Dated: March <sup>25</sup> \_\_\_, 2014



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**SIGNATURE ATTESTATION**

I, Richard B. Megley, Jr., 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 March 13, 2014, in Chicago, Illinois.

By: /s/Richard B. Megley, Jr.  
Richard B. Megley, Jr.