

1 Mark D. Flanagan (SBN 130303)
 mark.flanagan@wilmerhale.com
 2 Nathan L. Walker (SBN 206128)
 nathan.walker @wilmerhale.com
 3 Christine Duh (SBN 228544)
 christine.duh@wilmerhale.com
 4 WILMER CUTLER PICKERING
 HALE AND DORR LLP
 5 950 Page Mill Road
 Palo Alto, California 94304
 6 Telephone: (650) 858-6000
 Facsimile: (650) 858-6101
 7

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

9 [Additional counsel listed on signature page]
 10

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

14 ADC TECHNOLOGY, INC.)
)
 15 Plaintiff,)
)
 16 v.)
)
 17 PALM, INC., and)
 HEWLETT-PACKARD COMPANY)
)
 18 Defendants.)
)
 19)
 20)
 21)

Case No. 3:11-cv-02136-EMC
JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING CONTINUANCE
OF MAY 29, 2014 CASE MANAGEMENT
CONFERENCE
 Civil L.R. 7-12

22
 23
 24
 25
 26
 27
 28

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 May 29, 2014 for three weeks, to June 19, 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 a date in May 2012. (*Id.*)
- 21 ■ In 2012 and 2013, and in March 2014, defendant Palm and plaintiff ADC filed
22 stipulations requesting continuance of the case management conference, noting that there
23 has not yet been a final determination of the reexamination of all of the patents-in-suit
24 and indicating agreement that a continued stay in this action was appropriate. (*See*
25 Docket Nos. 72, 74, 77, 82, 87.) The Court granted these requests, and the case
26 management conference is currently set for May 29, 2014. (*See* Docket Nos. 73, 75, 78,
27 81, 83, 84, 88.)

- 1 ▪ Although the PTO issued a reexamination certificates for the '136, '361, and '605 patents
- 2 in December 2011 and September 2013, the PTO initiated additional reexamination
- 3 proceedings on the '136, '361, and '605 patents in July, November, and December 2012,
- 4 respectively. ADC represents that the PTO recently dismissed all of these additional
- 5 reexamination proceedings and that there are no reexaminations proceedings pending
- 6 with respect to ADC's asserted patents.
- 7 ▪ Recently, ADC and Palm have engaged in more serious discussions in order to try and
- 8 resolve the dispute. The parties believe they need additional time to fully exhaust
- 9 reasonable efforts to settle the case.
- 10 ▪ The parties presently agree that the Case Management Conference should be continued to
- 11 June 19, 2014, or an alternative future date that is convenient to the Court to allow the
- 12 parties some brief additional time to try and settle the case without burdening the Court.

13 In view of the foregoing, the parties respectfully request that the Case Management
14 Conference previously set for May 29, 2014, be continued to June 19, 2014, or an alternative future
15 date that is convenient to the Court.

16 Dated: May 21, 2014

/s/ Nathan L. Walker

17 Mark D. Flanagan (SBN 130303)
18 mark.flanagan@wilmerhale.com
19 Nathan L. Walker (SBN 206128)
20 nathan.walker @wilmerhale.com
21 Christine Duh (SBN 228544)
22 christine.duh@wilmerhale.com
23 WILMER CUTLER PICKERING HALE AND
DORR LLP
950 Page Mill Road
Palo Alto, California 94304
Telephone: (650) 858-6000
Facsimile: (650) 858-6101

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: May 21, 2014

/s/ Richard B. Megley

Raymond P. Niro (*pro hac vice*)
Dean D. Niro (*pro hac vice*)
Patrick F. Solon (*pro hac vice*)
Richard B. Megley, Jr. (*pro hac vice*)
Joseph A. Culig (*pro hac vice*)
NIRO, HALLER & NIRO
181 West Madison, Suite 4600
Chicago, Illinois 60602
Telephone: (312) 236-0733
Facsimile: (312) 236-3137

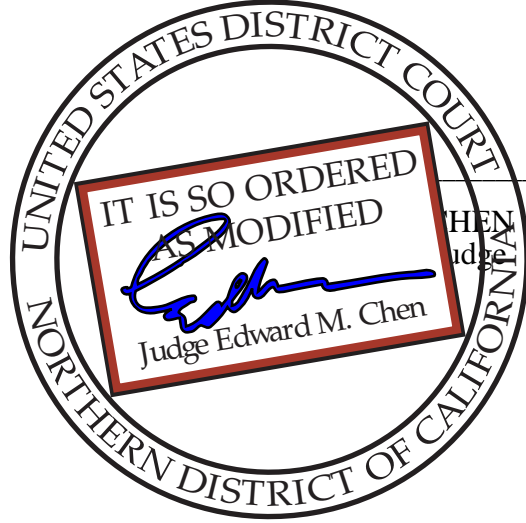
Martin L. Fineman, (SBN 104413)
DAVIS WRIGHT TREMAINE LLP
505 Montgomery St., Suite 800
San Francisco, California 94111-6533
Telephone: (415) 276-6500
Facsimile: (415) 276-6599

ATTORNEYS for Plaintiff
ADC TECHNOLOGY, INC.

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

2 The Case Management Conference previously set for May 29, 2014 at 9:00 a.m. is hereby
3 continued to June 26, 2014 at 9:00 a.m., in Courtroom 5, 17th Floor, 450 Golden Gate Avenue,
4 San Francisco, California.

5
6 Dated: 5/27, 2014



7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 May 21, 2014, in Palo Alto, California.

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