

1 MILBANK, TWEED, HADLEY & MCCLOY LLP
 2 Mark C. Scarsi (Cal. State Bar No. 183926)
 3 mscarsi@milbank.com
 4 Chris L. Holm (Cal. State Bar No. 249388)
 5 cholm@milbank.com
 6 Hannah Cannom (Cal. State Bar No. 245635)
 7 hcannom@milbank.com
 8 Caitlin K. Hawks (Cal. State Bar No. 260417)
 9 chawks@milbank.com
 10 601 South Figueroa Street, 30th Floor
 11 Los Angeles, CA 90017
 12 Telephone: (213) 892-4000
 13 Facsimile: (213) 629-5063
 14 *Attorneys for Defendant Apple Inc.*

10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 MEDIOSTREAM, INC.,
 14 Plaintiff,
 15 vs.
 16 MICROSOFT CORPORATION, et al.,
 17 Defendants.

Case No.: 3:11-cv-02525 ^{RS-JCS}
 and Order
**JOINT STIPULATION REQUESTING
 EXTENSIONS OF TIME REGARDING
 MOTIONS TO SEVER, MOTIONS FOR
 SUMMARY JUDGMENT, AND
 RESETTING OF CASE MANAGEMENT
 CONFERENCE**

18

MEDIOSTREAM, INC.,
 19 Plaintiff,
 20 vs.
 21 ACER AMERICA CORP., et al.,
 22 Defendants.

28 Civil Case No. 3:11-cv-02525-RS-JCS
 JOINT STIPULATION REQUESTING
 EXTENSIONS OF TIME RE MOTIONS AND CMC

1 **STIPULATION**

2 WHEREAS trial in this matter has been re-set for June 24, 2013, and the parties agree that
3 further motion practice and decisions on pending motions should be deferred until next year;

4 WHEREAS, defendant Apple Inc. (“Apple”) filed its Motion to Sever on July 5, 2012
5 (Dkt. No. 725), and briefing on that motion was complete as of August 9, 2012 (*see* Dkt. Nos. 763
6 and 778);

7
8 WHEREAS, defendants Sony Corporation and Sony Electronics Inc. (collectively “Sony”)
9 filed their Motion for Summary Judgment regarding obviousness on July 12, 2012 (Dkt. No. 734),
10 and briefing on that motion was complete as of August 23, 2012 (*see* Dkt. Nos. 777 and 807);

11 WHEREAS, defendants Sony, Microsoft Corporation (“Microsoft”), Acer America
12 Corporation (“Acer”), Gateway Inc. (“Gateway”), and Dell Inc. (“Dell”) filed their Motion for
13 Summary Judgment that MedioStream is Not Entitled to Damages Prior to the Date of Its First
14 Alleged Marking (“Marking Motion”) on August 15, 2012 (Dkt. No. 788);

15
16 WHEREAS, defendants Sony, Microsoft, Acer, Gateway, and Dell filed their Motion for
17 Summary Judgment of No Willfulness (“Willfulness Motion”) on August 15, 2012 (Dkt. No. 791);

18 WHEREAS, defendant Microsoft Corporation filed its Motion to Sever for Trial on August
19 3, 2012 (Dkt. No. 769), plaintiff MedioStream responded to Microsoft Corporation’s Motion to
20 Sever for Trial on August 23, 2012 (Dkt. No. 805), and defendants Sony and Asus Computer
21 International (“ACI”) filed a non-opposition to Microsoft Corporation’s Motion to Sever for Trial
22 on August 23, 2012 (Dkt. No. 806);

23
24 WHEREAS, the current deadline for plaintiff MedioStream, Inc. (“MedioStream”) to
25 respond to the Marking Motion is August 29, 2012;

26 WHEREAS, the current deadline for plaintiff MedioStream to respond to the Willfulness
27 Motion is August 29, 2012;

1 WHEREAS, the current deadline for Defendant Microsoft to reply in support of its Motion
2 to Sever for Trial is August 30, 2012;

3 WHEREAS, the current deadline for defendants Sony, Microsoft, Acer, Gateway, and Dell
4 to reply in support of their Marking Motion is September 5, 2012;

5 WHEREAS, the current deadline for defendants' Sony, Microsoft, Acer, Gateway, and
6 Dell to reply in support of their Willfulness Motion is September 5, 2012;

7 WHEREAS, the current date for hearing Apple's Motion to Sever and Microsoft's Motion
8 to Sever for Trial is September 6, 2012;

9 WHEREAS, the current date for hearing Sony's Motion for Summary Judgment regarding
10 obviousness, the Marking Motion, and the Willfulness Motion is September 27, 2012;

11 WHEREAS, a Case Management Conference is presently set for September 6, 2012;

12 NOW THEREFORE, it is stipulated by and between MedioStream and defendants that:

- 13 1. MedioStream shall have until January 4, 2013, to respond to the Marking Motion
14 and the Willfulness Motion;
- 15 2. Defendants Sony, Microsoft, Acer, Gateway, and Dell shall have until January 17,
16 2013, to reply in support of the Marking Motion and the Willfulness Motion;
- 17 3. Defendant Microsoft shall have until January 17, 2013 to reply in support of its
18 Motion to Sever for Trial;
- 19 4. Defendant Apple may file a notice pursuant to Civil L.R. 7-7(b) continuing the
20 original hearing date on its Motion to Sever to January 31, 2013, at 1:30 p.m.;
- 21 5. Defendant Microsoft may file a notice pursuant to Civil L.R. 7-7(b) continuing the
22 original hearing date on its Motion to Sever to January 31, 2013, at 1:30 p.m.;
- 23 6. Defendants Sony, Microsoft, Acer, Gateway, and Dell may file a notice pursuant to
24 Civ. L.R. 7-7(a) continuing the original hearing date on the Marking Motion and the
25 Willfulness Motion to January 31, 2013, at 1:30 p.m.;
- 26 7. Defendant Sony may file a notice pursuant to Civ. L. R. 7-7(b) continuing the
27 original hearing date on its motion for summary judgment regarding obviousness to
28 January 31, 2013, at 1:30 p.m; and
8. The next Case Management Conference will be set for January 31, 2013, at 1:30pm.

1 9. Except as provided herein, the parties agree not to engage in discovery or other
2 litigation activity prior to the later of (1) a decision by the Board of Patent Appeals
3 and Interferences in Appeal No. 2012-006989 or (2) January 1, 2013.

4 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

5 Dated: September 2, 2012

SUSMAN GODFREY L.L.P.

7 By: /s/ Brooke A.M. Taylor (with permission)

8 Stephen D. Susman (admitted *pro hac vice*)

9 SSusman@SusmanGodfrey.com

10 Joseph S. Grinstein (admitted *pro hac vice*)

JGrinstein@SusmanGodfrey.com

11 Max L. Tribble Jr. (admitted *pro hac vice*)

12 MTribble@SusmanGodfrey.com

SUSMAN GODFREY LLP

1000 Louisiana, Suite 5100

Houston, TX 77002

P: (713) 651-9366

13 Brooke A.M. Taylor (admitted *pro hac vice*)

14 BTaylor@SusmanGodfrey.com

SUSMAN GODFREY LLP

1201 Third Avenue, Suite 3800

Seattle, Washington 98101-3000

P: (206) 516-3880

17 Byron Cooper (State Bar No. 166578)

18 bcooper@teklaw.co

530 Lytton Avenue, Suite 200

19 Palo Alto, California 94301

T: (650) 283-4244

20 S. Calvin Capshaw (*pro hac vice*)

21 ccapshaw@capshawlaw.com

Elizabeth L. DeRieux (*pro hac vice*)

22 ederieux@capshawlaw.com

CAPSHAW DERIEUX, LLP

23 114 E. Commerce Ave.

24 Gladewater, TX 75647

T: (903) 236-9800

25 *Attorneys for Plaintiff MedioStream, Inc.*

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

By: /s/ Elaine Y. Chow (with permission)
L. Howard Chen (SBN 257393)
howard.chen@klgates.com
Elaine Y. Chow (SBN 194063)
elaine.chow@klgates.com
Holly A. Hogan (SBN 238714)
holly.hogan@klgates.com
K&L Gates LLP
4 Embarcadero Center
San Francisco, CA 94111
T: (415) 882-8200

*Attorneys for ACER America Corporation and
Gateway, Inc.*

By: /s/ Mark C. Scarsi
Mark C. Scarsi (SBN 183926)
mscarsi@milbank.com
Chris L. Holm
cholm@milbank.com
Hannah L. Cannom
hcannom@milbank.com
Caitlin K. Hawks
chawks@milbank.com
MILBANK, TWEED, HADLEY & MCCLOY LLP
601 S. Figueroa St., 30th Fl.
Los Angeles, California 90017
T: (213) 892-4000

Attorneys for Apple Inc.

By: /s/ Joshua M. Masur (with permission)
Karen I. Boyd (Cal. S.B. No. 189808)
boyd@turnerboyd.com
Joshua M. Masur (Cal. S.B. No. 203510)
masur@turnerboyd.com
TURNER BOYD LLP
2570 W. El Camino Real, Suite 380
Mountain View, CA 94040
T: (650) 521-5930

Attorneys for ASUS Computer International

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

By: /s/ Joshua Parker (with permission)

Joshua Parker (SBN 264109)
josh.parker@bakerbotts.com
BAKER BOTTS – PALO ALTO.
620 Hansen Way
Palo Alto, CA 94304
T: (650) 739-7500

Roger Fulghum (admitted *pro hac vice*)
roger.fulghum@bakerbotts.com
BAKER BOTTS – HOUSTON
910 Louisiana St.
Houston, TX 77002-4995
T: (713) 229-1707

Attorneys for Dell, Inc.

By: /s/ Scott Schrader (with permission)

George Pappas
gpappas@cov.com
Brian Bieluch
bbieluch@cov.com
Ranganath Sudarshan
rsudarshan@cov.com
William Zapf
wzapf@cov.com
COVINGTON & BURLING LLP
1201 Pennsylvania Ave., NW
Washington, DC 20004
T: (202) 662-6000

Scott Schrader
sschrader@cov.com
Robert Williams
rwilliams@cov.com
COVINGTON & BURLING LLP
One Front Street, Suite 3500
San Francisco, CA 94111-5356
T: (415) 591-6000

Christina Olson
colson@cov.com
COVINGTON & BURLING LLP
620 Eighth Avenue
New York, NY 10018
T: (212) 841-1000

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

Attorneys for Microsoft Corporation

By: /s/ Michelle Carniaux (with permission)
Lewis Popovski
lpopovski@kenyon.com
Michelle Carniaux
mcarniaux@kenyon.com
Zaed Billah
zbillah@kenyon.com
KENYON & KENYON
One Broadway
New York, NY 10004
T: (212) 425-7200

Megan Olesek
molesek@kenyon.com
KENYON & KENYON LLP
1801 Page Mill Road, Suite 210
Palo Alto, CA 94304-1216
T: 650-384-4700

Attorneys for Sony Corporation and Sony Electronics Inc.

By: /s/ N. Andrew Leibnitz (with permission)
N. Andrew Leibnitz (SBN 184723)
aleibnitz@fbm.com
Roderick Thompson
rthompson@fbm.com
Matthew Hollander
mhollander@fbm.com
Christina Hollander
chollander@fbm.com
FARELLA BRAUN & MARTEL LLP
235 Montgomery Street, 17th Floor
San Francisco, California 94104
T: (415)-954-4400

Attorneys for Sonic Solutions LLC

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

Pursuant to General Order 45, section X.B., I attest that I have obtained consent to file for all signatures indicated by the mark “/s/” within this electronically filed document.

/s/ Mark C. Scarsi
MARK C. SCARSI
Counsel for Defendant Apple Inc.

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

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 9/4, 2012



The Honorable Richard Seeborg
United States Judge