

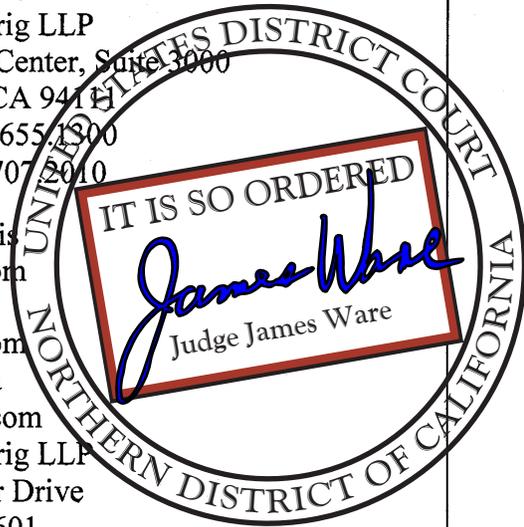
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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

16 INNOVUS PRIME LLC,

17 Plaintiff,

18 v.

19 LG ELECTRONICS, INC., et al.,

20 Defendant(s).

)
) Case No.: CV-1 1-4223 JW
)
) **STIPULATION AND ~~PROPOSED~~**
) **ORDER PURSUANT TO CIVIL LOCAL**
) **RULE 6-1(b) TO EXTEND TIME FOR**
) **DEFENDANTS TO SUBMIT**
) **PRELIMINARY INVALIDITY**
) **CONTENTIONS IN ACCORDANCE**
) **WITH PATENT LOCAL RULES 3-3 AND**
) **3-4, AND TO MODIFY THE CASE**
) **MANAGEMENT ORDER TO ALLOW**
) **PLAINTIFF INNOVUS ASSERT**
) **INFRINGEMENT OF ONLY THE**
) **APPARATUS CLAIMS OF THE**
) **PATENT-IN-SUIT**
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Stipulation

Pursuant to Civil L.R. 6-1(b), Plaintiff Innovus Prime LLC (“INNOVUS”) and Defendants LG Electronics Inc. et al. (collectively, “LG”) hereby stipulate to extend the time for LG to submit its Preliminary Invalidity Contentions to INNOVUS in accordance with Patent Local Rules 3-3 and 3-4. INNOVUS and LG further stipulate to modify the deadlines for Disclosures pursuant to the Patent Local Rules, in view of the extension of the deadline for LG to submit its Preliminary Invalidity Contentions. INNOVUS and LG further stipulate to amend the Case Management Order to allow INNOVUS to assert infringement of only the apparatus claims (*i.e.*, claims 4-6), and not the method claims, of U.S. Patent No. 5,280,350 (“the ‘350 patent”).

Stipulation as to LG’s Service of its Preliminary Invalidity Contentions and Related Dates

After two agreed extensions of the deadline to serve its Preliminary Infringement Contentions, INNOVUS served its contentions on April 3, 2012. Pursuant to Patent Local Rule 3-3, LG’s Preliminary Invalidity Contentions are due on May 18, 2012. The parties have been discussing settlement and, therefore, LG wishes to extend the deadline for service of its Preliminary Invalidity Contentions to June 22, 2012. This is LG’s first request for a modification of the deadline for service of its Preliminary Invalidity Contentions. INNOVUS agrees with this extension.

As a result of the extension of the deadline for LG to serve its Preliminary Invalidity Contentions, other deadlines in the Scheduling Order will need to be extended by a similar time period. Accordingly, it is hereby stipulated and agreed that the that the current deadlines for Patent Local Rule Disclosures set forth in the Patent Scheduling Order (Dkt. No. 144) be modified to the dates set forth in the following chart. As a result of these modifications, the *Markman* hearing will be re-scheduled, subject to the Court’s availability, from November 9, 2012 to December 10, 2012.

Event	Parties' Joint Proposal
Defendants' Preliminary Invalidity Contentions under Patent L.R. 3-3 and accompanying document production under Patent L.R. 3-4	June 22, 2012
Exchange of Proposed Terms and Elements for Construction under Patent L.R. 4-1	July 13, 2012
Exchange of Preliminary Claim Constructions and Extrinsic Evidence under Patent L.R. 4-2	August 3, 2012
Joint Claim Construction and Pre-hearing Statement under Patent L.R. 4-3	August 31, 2012
Claim Construction Discovery Cutoff under Patent L.R. 4-4	September 28, 2012
Last day to file and serve Plaintiff's Claim Construction Brief under Patent L.R. 4-5(a)	October 9, 2012
Last day to file and serve Defendants' Claim Construction Brief under Patent L.R. 4-5(b)	November 9, 2012
Last day to file and serve Plaintiff's Reply Claim Construction Brief under Patent L.R. 4-5(c)	November 21, 2012
<i>Markman</i> hearing (subject to the convenience of the Court's calendar)	December 10, 2012
If needed, Advice of Counsel disclosures under Patent L.R. 3-7	No later than 50 days after service by the Court of its claim construction ruling

1 **Stipulation as to the Case Management Order**

2 On February 7, 2012 the Court issued an Order granting INNOVUS the right to amend its
3 Second Amended Claim and file a Third Amended Complaint wherein INNOVUS would
4 withdraw its claims for indirect infringement. (Dkt. No. 144.) Accordingly, INNOVUS filed its
5 Third Amended Complaint on February 12, 2012. (Dkt. No. 145.) As a result of the withdrawal
6 of the indirect infringement claims, INNOVUS is presently withdrawing without prejudice
7 allegations of LG's infringement of the method claims of the '350 patent. Accordingly,
8 INNOVUS at this early stage in the proceeding has elected to assert infringement by LG of the
9 apparatus claims (*i.e.* claims 4-6) of the '350 patent, and not the method claims. Should evidence
10 be obtained during discovery that LG infringes the method claims, INNOVUS reserves the right to
11 amend its Third Amended Complaint, and amend the Case Management Order, in accordance with
12 the Federal Rules of Civil Procedure and the Civil and Patent Local Rules, to allege LG's
13 infringement of the method claims. The requested modification of the Case Management Order
14 would conform the Case Management Order with INNOVUS' Third Amended Complaint with
15 respect to which claims are alleged to be infringed.

16 Accordingly, it is hereby stipulated and agreed that Defendants LG be allowed to submit
17 its Preliminary Invalidity Contentions ("PIC") to INNOVUS on or before or on June 22, 2012, and
18 the remaining deadlines for Patent Local Rule Deadlines are modified as indicated herein. It is
19 further stipulated and agreed that the Case Management Order be modified to reflect that
20 INNOVUS is presently alleging that LG is infringing the apparatus claims, and not the method
21 claims, of the '350 patent.

22 Respectfully submitted,

23 DATED: May 15, 2012

By: /s/ John W. Carpenter

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Attorneys for Plaintiff Innovus Prime LLC

DATED: May 15, 2012

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*Attorneys for Defendants LG Electronics, Inc. and
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ATTESTATION

I, John W. Carpenter, am the ECF User whose identification and password are being used to file this Stipulation to: Extend Time for Defendants to Submit Preliminary Invalidity Contentions, Modify the Court Management Statement and Order, and Permit INNOVUS to allege Infringement of the Apparatus Claims, all pursuant to Civil Local Rule 6-1(b). I hereby attest that Defendants' counsel, Kevin J. O'Shea, has concurred in this filing.

DATED: May 15, 2012

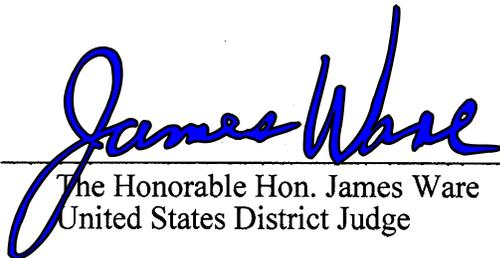
/s/ John W. Carpenter

~~PROPOSED~~ ORDER

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PURSUANT TO STIPULATION AND UPON GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated May 16, 2012


The Honorable Hon. James Ware
United States District Judge