

1 Brooke A. M. Taylor, WSBA 33190 (Admitted *Pro Hac Vice*)  
 btaylor@susmangodfrey.com  
 2 Jordan W. Connors, WSBA 41649 (Admitted *Pro Hac Vice*)  
 jconnors@susmangodfrey.com  
 3 SUSMAN GODFREY L.L.P.  
 4 1201 Third Avenue, Suite 3800  
 Seattle, Washington 98101-3000  
 5 Telephone: (206) 516-3880  
 Facsimile: (206) 516-3883  
 6

7 Stephen E. Morrissey, CA Bar 187865  
 smorrissey@susmangodfrey.com  
 8 SUSMAN GODFREY L.L.P.  
 9 1901 Avenue of the Stars, Suite 950  
 Los Angeles, CA 90067-6029  
 Telephone: (310) 789-3103  
 10 Facsimile: (310) 789-3150

11 *Plaintiff Vasudevan Software, Inc.*

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

15 VASUDEVAN SOFTWARE, INC., 16 Plaintiff, 17 vs. 18 MICROSTRATEGY SOFTWARE INC., 19 Defendant.	Case No. 3:11-06637-RS-PSG  JOINT STIPULATION OF NON-INFRINGEMENT  Hon. Richard Seeborg
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 21 WHEREAS, Plaintiff Vasudevan Software, Inc. (“VSi”) has accused Defendant  
 22 MicroStrategy Software Inc. (“MicroStrategy”) of infringing U.S. Patent Nos. 6,877,006 (“the  
 23 ‘006 Patent”); 7,167,864 (“the ‘864 Patent”); 7,720,861 (“the ‘861 Patent”); and 8,082,268 (“the  
 24 ‘268 Patent”);

25 WHEREAS MicroStrategy has denied infringement of the ‘006 Patent, the ‘864 Patent,  
 26 the ‘861 Patent, and the ‘268 Patent;

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1           WHEREAS the term “disparate [] databases” appears in each asserted claim of the ‘006  
2 Patent, the ‘864 Patent, and the ‘861 Patent and the term “incompatible databases of different  
3 types” appears in each asserted claim of the ‘268 Patent;

4           WHEREAS on September 19, 2012, the Court issued its Claim Construction Order (Dkt.  
5 No. 97) construing the term “disparate [] databases” to mean “databases having an absence of  
6 compatible keys or record identifier columns of similar value or format in the schemas or  
7 structures that would otherwise enable linking data”;

8           WHEREAS on September 19, 2013, the Court issued its Claim Construction Clarification  
9 Order (Dkt. No. 326) holding that “the construction of “Disparate [] databases” as “databases  
10 having an absence of compatible keys or record identifier columns of similar value or format in  
11 the schemas or structures that would otherwise enable linking data” is clarified to read “databases  
12 having an absence of compatible keys and an absence of record identifier columns of similar  
13 value and an absence of record identifier columns of similar format in the schemas or structures  
14 that would otherwise enable linking data;”

15           WHEREAS the Court’s Claim Construction Clarification Order further held that VSi is  
16 estopped from arguing that “incompatible databases of different types” means something different  
17 than the Court’s construction of “disparate [] databases;”

18           WHEREAS Civil L.R. 54-1(a) requires that Bill of Costs be served and filed no later than  
19 14 days after entry of judgment;

20           WHEREAS Civil L.R. 54-5 requires that a Motion for Fees be served and filed no later  
21 than 14 days after entry of judgment;

22           WHEREAS VSi has stated that it intends to appeal the Court’s forthcoming entry of a  
23 judgment of non-infringement based on this stipulation;

24           WHEREAS MicroStrategy has requested, and VSi has agreed, that in order to promote  
25 judicial efficiency and to conserve litigation costs, the deadlines for the Bill of Costs and Motion  
26 for Fees (including Motions for Fees pursuant to 35 U.S.C. § 285) be delayed until 14 days after  
27 the Federal Circuit’s issuance of the mandate regarding VSi’s appeal of the Court’s final  
28 judgment; and



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TX Bar No. 00784736 (Admitted *Pro Hac Vice*)  
lpayne@hpcllp.com  
Eric J. Enger  
TX Bar No. 24045833 (Admitted *Pro Hac Vice*)  
eenger@hpcllp.com  
Nick P. Patel  
TX Bar No. 24076610 (Admitted *Pro Hac Vice*)  
npatel@hpcllp.com  
HEIM, PAYNE & CHORUSH, LLP  
600 Travis Street, Suite 6710  
Houston, Texas 77002-2912  
T: (713) 221-2000  
F: (713) 221-2021(fax)

ATTORNEYS FOR PLAINTIFF

Dated: October 16, 2013

By: Howard Y. Chen (by permission EJE)  
Sean S. Pak (Bar No. 219032)  
seanpak@quinnemanuel.com  
Jennifer A. Kash (Bar No. 203679)  
jenniferkash@quinnemanuel.com  
Kevin A. Smith (Bar No. 250814)  
kevinsmith@quinnemanuel.com  
Howard Y. Chen (Bar No. 265015)  
howardchen@quinnemanuel.com  
QUINN EMANUEL URQUHART & SULLIVAN,  
LLP  
50 California Street, 22nd Floor  
San Francisco, California 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

ATTORNEYS FOR DEFENDANT

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**CERTIFICATE OF SERVICE**


I hereby certify that on this 16<sup>st</sup> day of October, 2013, a true and correct copy of the foregoing document was served on all parties via CM/ECF and/or email to counsel.

/s/ Eric Enger  
Eric Enger

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 10/21/13

  
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[Hon. Richard Seeborg]  
United States District Court Judge