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21 MEDAPPS, INC.

22 **UNITED STATES DISTRICT COURT**

23 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

24 ROBERT BOSCH HEALTHCARE

Case No.: CV 12-00113-RS

25 SYSTEMS INC.,

26 Plaintiff,

27 v.

28 MEDAPPS, INC.,

**SECOND JOINT MOTION FOR LEAVE  
TO EXTEND DATES OF THE CLAIM  
CONSTRUCTION BRIEFING**

29 Defendant

30 MEDAPPS, INC.,

31 Counterclaimant,

32 v.

33 ROBERT BOSCH HEALTHCARE

34 SYSTEMS, INC.,

35 Counterclaim-Defendant

1 Defendant/Counterclaimant MedApps, Inc. (“MedApps”) and Plaintiff/Counterclaim  
2 Defendant Robert Bosch Healthcare Systems, Inc. (“Bosch,” together with MedApps, the  
3 “Parties”) by and through their undersigned counsel, respectfully move this Court to extend the  
4 remaining dates for claim construction briefing by three weeks and to remove the Claim  
5 Construction Hearing from the Court’s calendar. In support of this Motion, the Parties  
6 respectfully state the following:

- 7 1. On May 25, 2012, the Court entered the Case Management Scheduling Order  
8 [Docket No. 44]. This Order set the Claim Construction Hearing for this  
9 matter for December 12, 2012 at 10:00 a.m.
- 10 2. On November 2, 2012, Bosch filed its opening claim construction brief.
- 11 3. On November 20, 2012, in response to a joint motion by the Parties intended  
12 to facilitate renewed settlement discussions, the Court extended the deadlines  
13 for claim construction briefing [Docket No. 57] as follows:
  - 14 a. MedApps’ responsive claim construction brief to be submitted no later  
15 than November 30, 2012; and
  - 16 b. Bosch’s claim construction reply brief to be submitted no later than  
17 December 7, 2012.
- 18 4. Over the last two weeks, the parties have made significant progress towards a  
19 negotiated settlement of their dispute. To allow the Parties to focus on  
20 settlement negotiations, and in the hope of avoiding further fees and litigation  
21 expenses, the Parties respectfully request that the Court extend the remaining  
22 claim construction deadlines and remove the currently scheduled Claim  
23 Construction Hearing from the Court’s calendar.
- 24 5. The Parties will jointly contact the Court to reschedule the Claim Construction  
25 Hearing at the conclusion of the requested three week extension should the  
26 settlement negotiations fail to resolve this matter by that time.

1           WHEREFORE, the Parties jointly request that the remaining claim construction  
2 deadlines be amended as follows:

- 3           a. The date by which MedApps must file its responsive claim construction brief  
4           be extended from November 30, 2012 to December 21, 2012;
- 5           b. The date by which Bosch must file its claim construction reply brief be  
6           extended from November 26, 2012 to January 4, 2013;
- 7           c. The Claim Construction Hearing, scheduled for December 12, 2012 at 10:00  
8           a.m. be removed from the Court's calendar.

9 No other deadlines in this case are affected by this motion.

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1 DATED: November 30, 2012

WOMBLE CARLYLE SANDRIDGE & RICE LLP

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**PROPOSED ORDER**

The Court, having considered the parties' above Second Joint Motion for Leave to Extend Dates of the Claim Construction Briefing, it is this 30th day of November, 2012, by the United States District Court for the Northern District of California, ORDERED that:

1. The motion is GRANTED;
2. The remaining claim construction deadlines set forth in the Case Management Scheduling Order [Doc. No. 44] are hereby amended as follows:
  - a. The date by which MedApps must file its responsive claim construction brief is extended from November 30, 2012 to December 21, 2012;
  - b. The date by which Bosch must file its claim construction reply brief is extended from December 7, 2012 to January 4, 2013; and
  - c. The Claim Construction Hearing, currently scheduled for December 12, 2012 at 10:00 a.m., is removed from the Court's calendar.
3. The parties are to contact the Court on or before December 21, 2012 to reschedule the Claim Construction Hearing should settlement negotiations fail to resolve this matter by that date.
4. No other deadlines in this case are affected by this order.



Judge Richard Seeborg  
United States District Judge