

1 Christopher D. Banys (State Bar No. 230038)  
 2 Daniel M. Shafer (State Bar No. 244839)  
 3 cdb@lanierlawfirm.com  
 4 dms@lanierlawfirm.com  
 5 THE LANIER LAW FIRM, P.C.  
 6 2200 Geng Road, Suite 200  
 7 Palo Alto, California 94303  
 8 Telephone: (650) 322-9100  
 9 Facsimile: (650) 322-9103

10 Edward C. Flynn (PRO HAC VICE)  
 11 Mark A. Grace (PRO HAC VICE)  
 12 Thomas C. Wettach (PA State Bar No. 1414)  
 13 eflynn@cohengrace.com  
 14 mgrace@cohengrace.com  
 15 twettach@cohengrace.com  
 16 COHEN & GRACE, LLC  
 17 105 Braunlich Dr., Suite 300  
 18 Pittsburgh, PA 15237  
 19 Telephone: (412) 847-0300

20 Attorneys for Plaintiff,  
 21 SMART MEMORY SOLUTIONS, LLC

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19 SMART MEMORY SOLUTIONS, LLC

20 Plaintiff,

21 v.

22 FREESCALE SEMICONDUCTOR, INC.,

23 Defendants.

Case No. 3:12-cv-01316-EMC

**JOINT STIPULATION TO CONTINUE CASE  
 MANAGEMENT CONFERENCE ; ORDER**

**DEMAND FOR JURY TRIAL**

24  
 25 Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure and Civil L.R. 6-2, the  
 26 parties hereto stipulate to this joint request for a continuance of the Initial Case Management  
 27 Conference. The Initial CMC is currently set for July 20, 2012 (with the deadline for filing a  
 28

1 Case Management Report set for July 13, 2012). The parties request that the Initial CMC be  
2 continued to August 24, 2012, or such date thereafter as may be convenient for the Court.

3 In support of this stipulated request, the parties state as follows:

- 4 1. On June 26, 2012, the Court acted *sua sponte* (see Dkt. No. 93) to relate this case to  
5 two other cases pending in this District: (a) *Smart Memory Solutions, LLC v.*  
6 *Panasonic Corporation of America, et al.*, Case No. 3:12-cv-00853-EMC (see Dkt.  
7 No. 87 in that case); and (b) *Smart Memory Solutions, LLC v. Toshiba America*  
8 *Electronic Components, Inc.*, Case No. 3:12-cv-01549-EMC (see Dkt. No. 82 in that  
9 case). All three cases are now assigned to Judge Chen, and all are now set for an  
10 Initial CMC on July 20, 2012.
- 11 2. This case and the above-mentioned *Toshiba* case were, until reassignment, both set  
12 for Initial CMC on a later date.
- 13 3. Counsel for all three cases have conferred regarding the new unified CMC date on  
14 July 20, 2012. The parties believe that it will be beneficial if they are permitted time  
15 to coordinate amongst themselves, with respect to any common issues, now that the  
16 three cases are deemed related. Likewise, particularly with respect to the instant  
17 *Freescale* case and the *Toshiba* case, which were both previously set for a later CMC  
18 date, the parties believe that these proceedings will benefit if the parties are permitted  
19 additional time to meet-and-confer thoroughly with respect their Joint Case  
20 Management Conference statements, Rule 26(f) requirements, and ADR  
21 requirements. (Declaration of Daniel M. Shafer, filed herewith.)
- 22 4. After the currently-scheduled CMC date, the first upcoming date that is available for  
23 both the Court and for counsel for the parties in all three cases is August 24, 2012.
- 24 5. There has been one previous stipulated modification of the Initial CMC date in this  
25 case (Dkt. No. 91), in order to align what were then two different CMC dates before  
26 Judge Hamilton for this case and the above-referenced *Toshiba* case.
- 27 6. The requested modification will have no effect on any other scheduled dates.

28 WHEREFORE, the parties request that the Initial Case Management Conference in this

1 case be reset for August 24, 2012; that the related deadlines for filing a joint CMC statement and  
2 serving Initial Disclosures be adjusted accordingly, to August 17, 2012; and that the related  
3 deadlines for meeting and conferring under Fed. R. Civ. P. 26(f), and for filing an ADR  
4 Certification and ADR Stipulation (or Notice of Need for ADR Phone Conference) also be  
5 adjusted accordingly, to August 3, 2012.

6 Agreed to by:

7  
8 Dated: July 10, 2012

/s/ Daniel M. Shafer  
Daniel M. Shafer  
THE LANIER LAW FIRM, P.C.  
Christopher D. Banys SBN: 230038 (CA)  
Daniel M. Shafer SBN: 244839 (CA)  
The Lanier Law Firm, P.C.  
2200 Geng Road, Suite 200  
Palo Alto, CA 94303  
Tel: (650) 332-9100  
Fax: (650) 322-9103  
cdb@lanierlawfirm.com  
dms@lanierlawfirm.com

Counsel for Plaintiff,  
SMART MEMORY SOLUTIONS, LLC

15  
16  
17 Dated: July 10, 2012

/s/ David L. Witcoff  
David L. Witcoff (IL Bar No. 6183629)  
JONES DAY  
77 W. Wacker Dr., Ste. 3500  
Chicago, IL 60601-1692  
Telephone: (312) 782-3939  
Facsimile: (312) 782-8585  
Email: dlwitcoff@jonesday.com

Counsel for Defendant,  
FREESCALE SEMICONDUCTOR, INC.

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Hon. Edward M. Chen

