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11 Attorneys for Plaintiff,
 12 Kyocera Communications, Inc.

13 UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 KYOCERA COMMUNICATIONS,
 16 INC.,

Plaintiff,

v.

18 IMPERIUM IP HOLDINGS
 19 (CAYMAN), LTD.,

20 Defendant.

Case No.: CV 12-04990 WHA
 STIPULATION RE EXTENSION OF
 TIME TO RESPOND TO PLAINTIFF'S
 COMPLAINT
 ORDER GRANTING CONTINUANCE

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1 Defendant Imperium IP Holdings (Cayman), Ltd. (“Defendant”) and Plaintiff Kyocera
2 Communications, Inc. (“Plaintiff”), by and through their respective counsel, stipulate to extend
3 time for Defendant to respond to Plaintiff’s Complaint pursuant to Civil Local Rule 6-1(b) as
4 follows:

5 WHEREAS, on September 25, 2012, Plaintiff filed its Complaint for Declaratory
6 Judgment;

7 WHEREAS, Defendant waived service of the Complaint and Defendant’s response to
8 Plaintiff’s Complaint is presently due to be filed and served on December 10, 2012;

9 WHEREAS, the Initial Case Management Conference is scheduled for January 3, 2013;

10 WHEREAS, in March of 2011, Imperium (IP) Holdings, Inc. filed a complaint in the
11 United States District Court for the Eastern District of Texas, Case No. 4:11-cv-00163-RC-ALM,
12 alleging that Plaintiff infringed the three patents identified in Plaintiff’s Complaint in this Court.;

13 WHEREAS, on September 25, 2012, several defendants in the Texas case, including
14 Plaintiff, filed a motion to dismiss the Complaint in the Texas case for lack of standing on the
15 basis that the named plaintiff, Imperium (IP) Holdings, Inc., does not exist and does not own the
16 patents-in-suit (Dkt. No. 257);

17 WHEREAS, on September 25, 2012, Imperium (IP) Holdings, Inc. filed a motion in the
18 Texas case to correct the name of the plaintiff from Imperium (IP) Holdings, Inc. to Imperium IP
19 Holdings (Cayman), Ltd., the named Defendant in this case (Dkt. No. 258);

20 WHEREAS, the motion to dismiss and motion to correct the name of plaintiff have been
21 fully briefed and are currently pending before the Texas Court;

22 WHEREAS, granting Defendant an extension of time to respond to Plaintiff’s complaint
23 and rescheduling the Initial Case Management Conference would preserve judicial resources by
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1 permitting the Texas court an opportunity to rule on the motion to dismiss and motion to correct
2 the name of plaintiff before substantively proceeding with the present case;

3 WHEREAS, the parties have agreed to a thirty-day extension of time for Defendant to
4 respond to the Complaint from December 10, 2012 to January 9, 2013;

5 WHEREAS, no prior extensions of time have been requested or granted; and

6 WHEREAS, the Initial Case Management Conference, which has been scheduled for
7 January 3, 2013, should be rescheduled for a later date so that the Initial Case Management
8 Conference does not predate Defendant's response to the Complaint.
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10 THEREFORE, Plaintiff and Defendant stipulate as follows:

- 11 1. Defendant shall respond to Plaintiff's Complaint no later than January 9, 2013; and
12 2. The Initial Case Management Conference shall be rescheduled for Thursday,
13 January 24, 2013, at 11:00 a.m., or such other date as is convenient for the Court, before the
14 Honorable William Alsup. Not less than seven days prior, counsel shall submit a joint case
15 management conference statement not to exceed ten pages.
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18 DATED: December 10, 2012

Respectfully submitted,

19
20 /s/ David M. Saunders
21 David M. Saunders
22 Attorneys for Defendant

23 DATED: December 10, 2012

Respectfully submitted,

24
25 /s/ Tharan Gregory Lanier
26 Tharan Gregory Lanier
27 Attorneys for Plaintiff
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1 I, David M. Saunders, am the ECF user whose ID and password are being used to file this
2 Stipulation. In compliance with General Order 45, section X.B., I hereby attest that concurrence in
the filing of the document has been obtained from each of the other signatories.

3 By: /s/ David M. Saunders
4 David M. Saunders

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7 PURSUANT TO STIPULATION, IT IS SO ORDERED.
8 THERE WILL BE NO FURTHER CONTINUANCES.

9 Date: December 12, 2012.

