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TREND MICRO INCORPORATED

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PRAGMATUS TELECOM, LLC,
 	
     Plaintiff,
 	
   v.
 	
TREND MICRO INCORPORATED,
 	
     Defendant.
	CASE NO. 12-cv-06195(EMC)
	
	ELECTRONIC CASE FILING
	
	JOINT STIPULATED REQUEST TO VACATE OR POSTPONE CASE MANAGEMENT CONFERENCE SCHEDULED FOR NOVEMBER 21, 2013

Pragmatus Telecom, LLC ("Pragmatus") and Trend Micro Incorporated ("Trend Micro") (collectively, the "Parties"), hereby move the Court to vacate—or, in the alternative, postpone—the case management conference currently set for November 21, 2013, and would respectfully show the Court as follows:

1.   On May 23, 2013, the Court approved the Parties' joint stipulation to stay this action, and accordingly ordered that the case be stayed pending the resolution of *Liveperson, Inc.*

Joint Stipulated Request to Vacate or Postpone CMC

CASE NO. 12-CV-06195 (EMC)

1   *v. Pragmatus Telecom, LLC* (No. 1:12-cv-00147-RGA) (the "LivePerson Declaratory Judgment

2   Action"), currently pending in the District of Delaware. *See* Dkt. No. 30. In that action,

3   LivePerson, Inc. seeks judgment of (1) non-infringement of the patent-in-suit (the same patent as

4   is at issue in this litigation), and (2) invalidity of the patent-in-suit. It is the Parties' expectation

5   that the outcome of the LivePerson Declaratory Judgment Action will resolve most, if not all,

6   issues presented in this litigation.

7   2.   The LivePerson Declaratory Judgment Action is still pending in the District of

8   Delaware, and is proceeding apace before Judge Richard G. Andrews. A claim construction

9   hearing has been scheduled for December 18, 2013. The Parties believe it is likely that a claim

10 construction ruling will issue sometime in early- to mid-2014, with potential further proceedings

11 to follow.

12   3.   Given the continued pendency of the LivePerson Declaratory Judgment Action

13 and the substantial work underway in Delaware, the Parties respectfully request that the Court

14 vacate the upcoming case management conference scheduled for November 21, 2013, or, in the

15 alternative, postpone the conference until a date at the Court's convenience at least a few months

16 into 2014.

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Dated: November 4, 2013   FEINBERG DAY ALBERTI & THOMPSON LLP

                                           By: */s/ Marc Belloli*
                                                 Elizabeth Day
                                                 Ian Feinberg
                                                 David Alberti
                                                 Sal Lim
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                                                 Marc Belloli

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                                           By: */s/ D. Stuart Bartow*
                                                 Yar R. Chaikovsky
                                                 D. Stuart Bartow

                                                 Attorneys for Defendant
                                                 TREND MICRO INCORPORATED

                              ATTESTATION

        I hereby attest that all other signatories listed concur in the content and have authorized

this filing.

                                                 /s/ D. Stuart Bartow

                                                 D. Stuart Bartow

                                 ORDER

        SO ORDERED, this 6th day of November, 2013. The Case Management Conference

set for November 21, 2013 is ~~VACATED~~.rescheduled to April 3, 2014, at 10:30 a.m.

                                           _____
                                           The Honorable Edward M. Chen