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FUZZYSHARP TECHNOLOGIES
INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FUZZYSHARP TECHNOLOGIES, INC,

Plaintiff,

v.

NVIDIA CORPORATION,

Defendant.

Case No. 12-cv-6375-JST

**STIPULATED REQUEST AND
[PROPOSED] ORDER TO
RESCHEDULE INITIAL CASE
MANAGEMENT CONFERENCE**

Pursuant to Civil Local Rule 6-2, Plaintiff Fuzzysharp Technologies Incorporated (“Fuzzysharp”) and Defendant NVIDIA Corporation (“NVIDIA”) respectfully submit this Stipulated Request to reschedule the initial Case Management Conference set for December 18, 2013 to a later date, if necessary, pending the Court’s resolution of the parties’ dispute as to the proper disposition of this case. Certain deadlines that trigger off of the initial Case Management Conference as set forth in the Civil and Patent Local Rules and Federal Rules of Civil Procedure

STIPULATED REQUEST AND [PROPOSED] ORDER
TO RESCHEDULE INITIAL CASE MANAGEMENT
CONFERENCE 12-cv-6375-JST

1 will be continued accordingly. No other deadlines should be affected.

2 The only remaining claim against NVIDIA in this case alleges willful, direct infringement
3 of U.S. Patent No. 6,172,679 ("the '679 patent"). In a recent November 7, 2013 Order in
4 *Fuzzysharp Techs. Inc. v. Intel Corp*, Case No. 12-CV-04413-YGR (N.D. Cal. filed Aug. 22,
5 2012) ("*Intel*"), the Court invalidated all asserted claims of the '679 patent. *Intel* Dkt. No. 74
6 (Order Construing Claim Terms in Dispute and Granting Summary Judgment in Favor of
7 Defendant Intel Corporation). Consequently, NVIDIA believes this case should be dismissed on
8 collateral estoppel grounds for the reasons to be set forth in its forthcoming brief. Fuzzysharp has
9 indicated that it intends to appeal the decision in *Intel* and instead favors a stay of this case
10 pending that appeal. The parties have met and conferred on this issue and failed to reach an
11 agreement. NVIDIA therefore intends to file a motion seeking dismissal of this case. Because
12 the parties believe that this case should be either stayed or dismissed, the parties agree that
13 rescheduling the Case Management Conference until after NVIDIA's intended motion to dismiss
14 is heard and decided is in the best interest of the parties and judicial economy.

15 The initial Case Management Conference was originally scheduled for March 22, 2013
16 (Dkt. Nos. 3 and 10), vacated by the Court's Reassignment Order (Dkt. No. 13), and reset for
17 March 26, 2013 (Dkt. No. 20). The Court has since rescheduled the Case Management
18 Conference for May 15, 2013, in response to the parties' first stipulated request, and subsequently
19 for June 26, 2013, in response to an unopposed motion by Fuzzysharp (Dkt. Nos. 23, 27).
20 On June 5, 2013, the Court continued the Case Management Conference until August 14, 2013
21 (Dkt. No. 34). On July 30, the Court granted the parties' stipulated request to reschedule the
22 Case Management Conference until after resolution of NVIDIA's Motion to Dismiss
23 Fuzzysharp's Amended Complaint, and rescheduled the Conference to October 23, 2013
24 (Dkt. Nos. 39-40). On September 30, 2013, the Court granted the parties' stipulated request to
25 reschedule the Case Management Conference to December 18, 2013, due to scheduling conflicts
26 of NVIDIA's lead counsel (Dkt. No. 46).

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In light of the high probability that this case will either be dismissed or stayed as a result of the ruling in *Intel*, the parties respectfully request that the initial Case Management Conference be rescheduled to a later date if still necessary pending resolution of this dispute, subject to the convenience of the Court.

Dated: November 22, 2013
Orrick Herrington & Sutcliffe, LLP

Dated: November 22, 2013

By: /s/ James Freedman
James Freedman
Attorneys for Defendant
NVIDIA CORP

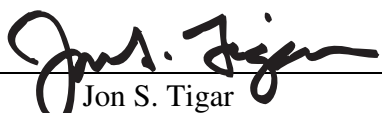
By: /s/ David Fink
David Fink
Attorney for Plaintiff
FUZZYSHARP TECHNOLOGIES INC.

Pursuant to Civil Local Rule 5-1(i)(3), counsel for NVIDIA has obtained the concurrence of Fuzzy sharp's counsel in the filing of this Stipulated Request.

By: /s/ James Freedman
JAMES FREEDMAN
Attorneys for Defendant
NVIDIA CORPORATION

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: November 25, 2013



Jon S. Tigar
United States District Judge