

Wilmer Cutler Pickering Hale and Dorr LLP  
950 Page Mill Road  
Palo Alto, CA 94304

1 KEITH SLENKOVICH (SBN: 129793)  
JOSEPH F. HAAG (SBN: 248749)  
2 RUSSELL TONKOVICH (SBN: 223280)  
TOBY MOCK (SBN: 265004)  
3 CRYSTAL ROBERTS (SBN: 284622)  
WILMER CUTLER PICKERING HALE  
4 AND DORR LLP  
950 Page Mill Road  
5 Palo Alto, California 94304  
Tel. (650) 858-6000  
6 Fax. (650) 858-6100  
Keith.Slenkovich@wilmerhale.com  
7 Joseph.Haag@wilmerhale.com  
Russell.Tonkovich@wilmerhale.com  
8 Tobias.Mock@wilmerhale.com  
Crystal.Roberts@wilmerhale.com  
9

WILLIAM F. LEE (*pro hac vice*)  
WILMER CUTLER PICKERING HALE AND  
DORR LLP  
60 State Street  
Boston, Massachusetts 02109  
Tel. (617) 526-6000  
Fax. (617) 526-5000  
William.Lee@wilmerhale.com

*Attorneys for Defendant-Counterclaimant  
View, Inc.*

**FILED**

MAR 19 2014

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**SAGE ELECTROCHROMICS, INC.,**

Plaintiff-Counterclaim Defendant,

vs.

**VIEW, INC.,**

Defendant-Counterclaimant.

No. C-12-6441 (JST)

**STIPULATION AND ~~PROPOSED~~  
ORDER GRANTING VIEW, INC.'S  
REQUEST TO AMEND INVALIDITY  
CONTENTIONS PURSUANT TO  
PATENT L.R. 3-6**

**LEYBOLD OPTICS, GMBH,**

Intervenor-Plaintiff,

vs.

**VIEW, INC.,**

Defendant.

1 Defendant-Counterclaimant View, Inc. ("View") and Plaintiff-Counterclaim Defendant  
2 SAGE Electrochromics, Inc. ("SAGE"), through their undersigned counsel, hereby agree and  
3 stipulate as follows:

4 WHEREAS, View served its Patent L.R. 3-3 Invalidity Contentions on August 1, 2013  
5 pursuant to the Court's Scheduling Order (ECF No. 57);

6 WHEREAS, on February 24, 2014, View notified SAGE of its intent to request the  
7 Court's leave to amend its August 1, 2013 Invalidity Contentions with respect to U.S. Pat. No.  
8 7,372,610, which is asserted by SAGE in this litigation, and WHEREAS, concurrent with the  
9 foregoing notification, View provided SAGE with copies of its proposed Amended Invalidity  
10 Contentions;  
11

12 WHEREAS, SAGE does not oppose View's request to amend its August 1, 2013  
13 Invalidity Contentions as represented in View's February 24, 2014 correspondence;  
14

15 WHEREAS, View respectfully submits that good cause exists to amend its invalidity  
16 contentions pursuant to Patent L.R. 3-6 because the proposed amendments:

17 (a) incorporate confidential information recently produced by Sage in discovery  
18 relating to the technical features of SAGE's products that View alleges qualify as prior art to the  
19 '610 patent; and

20 (b) conform View's invalidity theories to the new infringement theories set forth by  
21 SAGE in its January 28, 2014 Amended Infringement Contentions.  
22

23 WHEREAS, View further submits that it acted diligently in seeking this amendment  
24 since neither of these bases for amendment was previously available to View outside the  
25 confidential discovery and disclosure mechanisms of this case.  
26  
27  
28

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1 WHEREAS, SAGE and View agreed on March 14, 2014 that, in order not to burden the  
2 Court, the parties will stipulate to allow View to amend its Invalidity Contentions, subject to the  
3 Court's approval.

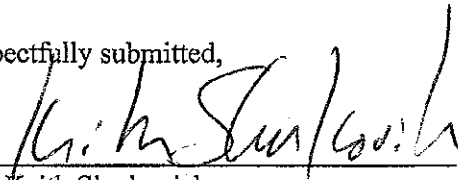
4 IT IS HEREBY STIPULATED AND AGREED, by and between View and SAGE,  
5 subject to the Court's approval, that View is hereby given leave to amend its Patent L.R. 3-3  
6 Invalidity Contentions.  
7

11 DATED: March 17, 2014

15 DATED: March 17, 2014

Respectfully submitted,

By:

  
Keith Slenkovich

*Attorneys for Defendant-Counterclaimant  
View, Inc.*

By:

  
Jack Londen

*Attorneys for Plaintiff-Counterclaim Defendant  
SAGE Electrochromics, Inc.*

~~PROPOSED~~ ORDER

Good cause having been shown, IT IS HEREBY ORDERED that Defendant-Counterclaimant View, Inc.'s request to amend its Patent L.R. 3-3 Invalidity Contentions is GRANTED. View is hereby ordered to serve copies of its Amended Invalidity Contentions on counsel for SAGE.

Dated: 3/19/14

  
Judge Jon S. Tigar  
UNITED STATES DISTRICT COURT