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FILED

JUL 09 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

13 SAGE ELECTROCHROMICS, INC.,
14 Plaintiff-Counterclaim Defendant,
15 vs.
16 VIEW, INC.,
17 Defendant-Counterclaimant.

No. C-12-6441 (JST)

~~STIPULATION AND [PROPOSED]~~
ORDER REGARDING VIEW, INC.'S
MOTION FOR LEAVE TO FILE A
SUPPLEMENTAL COUNTERCLAIM
FOR PATENT INFRINGEMENT
(ECF. NO. 179)

19 LEYBOLD OPTICS, GMBH,
20 Intervenor-Plaintiff,
21 vs.
22 VIEW, INC.,
23 Defendant.

1 Defendant-Counterclaimant View, Inc. (“View”), Plaintiff-Counterclaim Defendant
2 SAGE Electrochromics, Inc. (“SAGE”), and Intervenor-Plaintiff Leybold Optics, GmbH
3 (“Leybold”) (collectively, “the parties”), through their undersigned counsel, hereby agree and
4 stipulate as follows:

5 WHEREAS, on June 23, 2014, View filed a Motion for Leave to Amend its Answer and
6 Counterclaims to Assert a Supplemental Counterclaim against SAGE for Infringement of
7 U.S. Patent No. 8,749,870 (ECF No. 179);

8 WHEREAS, on June 30, 2014, View served Patent L.R. 3-1 and 3-2 Infringement
9 Contentions for the '870 patent on counsel for SAGE;

10 WHEREAS, the parties agree, subject to the Court’s approval, that SAGE may serve
11 Patent L.R. 3-3 and 3-4 Invalidity Contentions for the '870 patent on or before August 11, 2014;

12 WHEREAS, the parties agree, subject to the Court’s approval, to incorporate the '870
13 patent into the Court’s existing Scheduling Order (ECF No. 172), and further agree not to seek
14 modification to the Scheduling Order to accommodate the addition of the '870 patent to this
15 litigation;

16 WHEREAS, consistent with the foregoing, SAGE and Leybold do not oppose View’s
17 Motion to Amend its Answer and Counterclaims to add a Counterclaim against SAGE for
18 Infringement of the '870 patent (ECF No. 179);

19 WHEREAS, the parties have agreed that, to avoid burdening the Court, and pursuant to
20 the Court’s May 29, 2013 Order (ECF No. 54), the parties stipulate to allow View to amend its
21 Counterclaims to add counts of Infringement for the '870 patent, subject to the Court’s approval.

22 IT IS HEREBY STIPULATED AND AGREED, by and between the parties and subject
23 to the Court’s approval, that: (i) View is hereby given leave to amend its Counterclaims to add
24 counts of Infringement against SAGE for infringement of the '870 patent; (ii) View’s June 23,
25 2014 Infringement Contentions should be deemed timely pursuant to Patent L.R. 3; (iii) SAGE’s
26 Invalidity Contentions for the '870 patent shall be due on August 11, 2014; and (iv) the parties
27 shall otherwise litigate the '870 patent pursuant to the Court’s existing Scheduling Order
28 (ECF No. 172).

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Respectfully submitted,

DATED: July 9, 2014

By: /s/ Keith Slenkovich
Keith Slenkovich

Attorneys for View, Inc.

DATED: July 9, 2014

By: /s/ Wendy Ray

Attorneys for SAGE Electrochromics, Inc.

DATED: July 9, 2014

By: /s/ John Bauer

Attorneys for Leybold Optics, GmbH

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SIGNATURE ATTESTATION

I hereby attest that concurrence in the filing of this document has been obtained from Plaintiff-Counterclaim Defendant SAGE Electrochromics, Inc. and Intervenor-Plaintiff Leybold Optics, GmbH, and I have on file records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request. I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 9th day of July, 2014, at Palo Alto, California.

/s/ Keith Slenkovich
Keith Slenkovich

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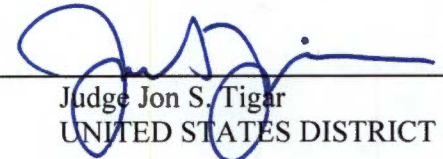
~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED that Defendant-Counterclaimant View, Inc.'s Motion for Leave to Amend its Answer and Counterclaims to Assert a Supplemental Counterclaim for Infringement of U.S. Patent No. 8,749,870 (ECF No. 179) is GRANTED.

IT IS HEREBY FURTHER ORDERED that View's June 23, 2014 Infringement Contentions shall be deemed timely pursuant to Patent L.R. 3-1 and 3-2, and SAGE's Patent L.R. 3-3 and 3-4 Invalidity Contentions shall be due on August 11, 2014. The deadlines in the Court's existing Scheduling Order (ECF No. 172) shall otherwise apply to the '870 patent.

View is hereby Ordered to file its First Amended Answer to SAGE Electrochromics, Inc's First Amended Complaint and Counterclaims (ECF No. 179-2).

Dated: 7/9/14



Judge Jon S. Tigar
UNITED STATES DISTRICT COURT

Wilmer Cutler Pickering Hale and Dorr LLP
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