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16 Attorneys for Plaintiff and Counterclaim-
17 Defendant GEOTAG, INC.

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21
22 GEOTAG, INC.,
23 Plaintiff,
24 v.
25 ZOOSK, INC.,
26 Defendant.

27 AND RELATED COUNTERCLAIMS.
28

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Attorneys for Defendant and
Counterclaimant
ZOOSK, INC.

Case No.: 13-cv-00217-EMC

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
STAY OF CASE**

Current CMC Date: May 29, 2014
Requested CMC Date: July 31, 2014

1 This case presently is scheduled for a Case Management Conference on Thursday, May
2 29, 2014. The Joint Case Management Conference Statement is due on May 22, 2014. The parties
3 respectfully request that the Court continue the Case Management Conference until Thursday,
4 July 31, 2014 at 9:00 a.m. or to a date convenient to the Court thereafter, and continue the stay of
5 the case, for the following reasons:

6 1. At the last Case Management Conference on February 27, 2014, the Court ordered
7 that the case would be stayed at least until the May 29, 2014 continued Case Management
8 Conference, so that the Court and the parties could know the outcome of GeoTag's case against
9 Google in the District of Delaware (*Microsoft Corporation et al. v. GeoTag, Inc.*, Civil Action
10 No. 11-00175-RGA), which involves the same GeoTag patent as is involved in this case, and
11 which was scheduled to go to trial in April 2014.

12 2. In April 2014, the District of Delaware issued an order denying Google's motions
13 for summary judgment of laches and invalidity and granting Google's motion for
14 noninfringement. The public version of the Court's Memorandum Opinion is Docket No. 477,
15 filed April 22, 2014.

16 3. The Delaware court, however, asked the parties in that case to address whether, in
17 light of the recent Federal Circuit case of *Microsoft v. Datatarn*, No. 2013-1184, 2014 WL
18 1327923 (Fed. Cir. April 4, 2014), the Delaware court had subject matter jurisdiction. GeoTag's
19 and Google's briefing on that issue is ongoing and is scheduled to be completed on May 22, 2014.

20 4. The parties to this action believe that judicial economy, as well as the economy of
21 the parties, is served by allowing the parties and the Court to know the outcome of the Google
22 case before proceeding with this case. Accordingly, the parties hereby respectfully request that
23 the Court continue the Case Management Conference currently scheduled to take place on May
24 29, 2014 until Thursday, July 31, 2014 at ~~9:00~~^{10:30} a.m. in the Courtroom of the Honorable Edward
25 M. Chen, Courtroom 5 - 17th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102, or to a
26 date convenient to the Court thereafter, and to continue the stay of this case until that continued
27 Case Management Conference.
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SO STIPULATED.

Dated: May 15, 2014

BECK, BISMONTE & FINLEY, LLP

By: /s/ Joseph A. Greco
Joseph A. Greco
Attorneys for Plaintiff and Counterclaim-
Defendant
GeoTag, Inc.

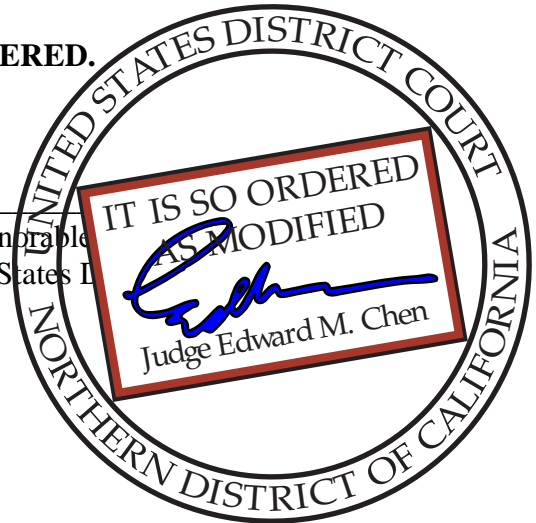
FENWICK & WEST LLP

By: /s/ Brian E. Lahti
Brian E. Lahti
Attorneys for Defendant and
Counterclaimant
Zoosk, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 5/20/14 (modified above)

The Honorable
United States District Judge



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ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

Pursuant to Local Rule 5-1(i)(3) regarding signatures, I attest that the concurrence in the filing of this document has been obtained from the signatories.

Dated: May 15, 2014

FENWICK & WEST LLP

By: /s/ Brian E. Lahti
Brian E. Lahti
Attorneys for Defendant and
Counterclaimant
Zoosk, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel who have entered an appearance in this action.

Dated: May 15, 2014

FENWICK & WEST LLP

By: /s/ Brian E. Lahti
Brian E. Lahti
Attorneys for Defendant and
Counterclaimant
Zoosk, Inc.

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