

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

1 STEPHEN F. MALOUF (*PRO HAC VICE*)
maloufs@smalouf.com
2 JEREMY MARTIN (*PRO HAC VICE*)
jmartin@smalouf.com
3 JONATHAN NOCKELS (*PRO HAC VICE*)
jnockels@smalouf.com
4 MALOUF & NOCKELS LLP
5 3811 Turtle Creek Blvd., Suite 800
Dallas, Texas 75219
6 214-969-7373 (Telephone)
214-969-7648 (Facsimile)
7

8 JEFFREY A. TINKER (*PRO HAC VICE*)
jtinker@winstead.com
Winstead PC
9 500 Winstead Building
2728 N. Harwood Street
10 Dallas, Texas 75201

11 JOSEPH A. GRECO (Cal. Bar No. 104476)
jgreco@beckllp.com
12 KIMBERLY P. ZAPATA (Cal. Bar No. 138291)
kzapata@beckllp.com
13 Beck, Bismonte & Finley, LLP
14 150 Almaden Boulevard, 10th Floor
San Jose, CA 95113
15 Telephone: 408.938.7900
Facsimile: 408.938.0790

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

CHARLENE M. MORROW (CSB No. 136411)
cmorrow@fenwick.com
PATRICK E. PREMO (CSB No. 184915)
ppremo@fenwick.com
HECTOR J. RIBERA (CSB No. 221511)
hribera@fenwick.com
KATHLEEN LU (CSB No. 267032)
klu@fenwick.com
BRIAN E. LAHTI (CSB No. 278951)
blahti@fenwick.com
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Telephone: 650.988.8500
Facsimile: 650.938.5200

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: August 14, 2014

Requested CMC Date: October 9, 2014

1 This case is presently scheduled for a Case Management Conference on Thursday, August
2 14, 2014 at 10:30 A.M. The Joint Case Management Conference Statement is due on August 7,
3 2014. The parties respectfully request that the Court continue the Case Management Conference
4 until Thursday, October 9, 2014 at 10:30 A.M., or to a date convenient to the Court thereafter
5 (other than during the period of October 11, 2014 through November 1, 2014 when defendant's
6 counsel is unavailable), and continue the stay of the case, for the following reasons:

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

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

17 3. The Delaware court, however, asked the parties in that case to address whether, in
18 light of the recent Federal Circuit case of *Microsoft v. Datatarn*, No. 2013-1184, 2014 WL
19 1327923 (Fed. Cir. April 4, 2014), the Delaware court had subject matter jurisdiction.
20 Consequently, the parties to this action requested, and the Court granted, a continuance of the
21 Case Management Conference until July 31, 2014, and an extension of the stay. *See* Dkt. No.
22 213. The Clerk subsequently continued the Case Management Conference until August 14, 2014.
23 *See* Dkt. No. 214.

24 4. The Delaware court has not, however, resolved the subject matter jurisdiction issue
25 with Google. After an initial round of briefing on the issue of subject matter jurisdiction, the
26 Delaware court allowed Google to file an amended complaint and requested additional briefing.
27 Attached as Exhibit 1 is Dkt. No. 495 from the Delaware case showing the parties' stipulated
28 request for a continued briefing schedule concerning subject matter jurisdiction in relation to

1 Google's amended complaint (the Delaware court entered the stipulation by way of its minute
2 order of July 1, 2014, which does not have a docket entry). As Exhibit 1 shows, briefing will not
3 be completed until August 18, 2014.

4 5. The parties to this action continue to believe that judicial economy, as well as the
5 economy of the parties, is served by allowing the parties and the Court to know the outcome of
6 the Google case before proceeding with this case. Accordingly, the parties hereby respectfully
7 request that the Court continue the Case Management Conference currently scheduled to take
8 place on August 14, 2014 at 10:30 A.M. until Thursday, October 9, 2014 at 10:30 A.M. in the
9 Courtroom of the Honorable Edward M. Chen, Courtroom 5 - 17th Floor, 450 Golden Gate
10 Avenue, San Francisco, CA 94102, or to a date convenient to the Court thereafter (excluding the
11 period of October 11 through November 1, 2014 as per above), and to continue the stay of this
12 case until that continued Case Management Conference.

13 **SO STIPULATED.**
14

15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: July 28, 2014

BECK, BISMONTE & FINLEY, LLP

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

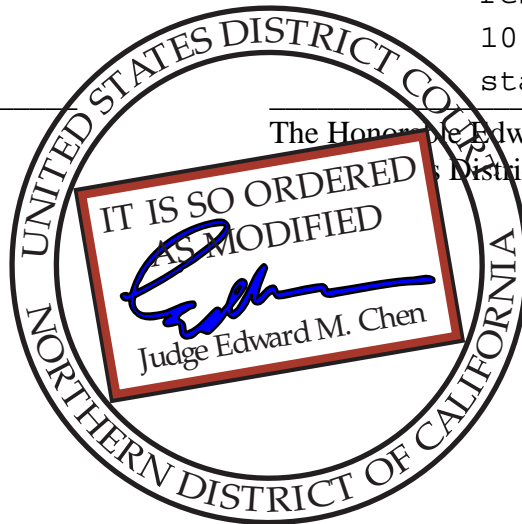
FENWICK & WEST LLP

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

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Further CMC is
reset for 10/9/14 at
10:30 a.m. An updated joint
statement is due 10/2/14.

Dated: 7/29/14

The Honorable Edward M. Chen
District Judge



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: July 28, 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 July 28, 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: July 28, 2014

FENWICK & WEST LLP

By: /s/ Brian E. Lahti

Brian E. Lahti
Attorneys for Defendant and
Counterclaimant
Zoosk, Inc.