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7 *Attorneys for Plaintiff CopyTele, Inc.*

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION

12 COPYTELE, INC., a Delaware  
 Corporation,

13 Plaintiff,

14 v.

15 E INK HOLDINGS, INC., a Taiwanese  
 16 corporation; and E INK CORPORATION,  
 a Delaware corporation,

17 Defendants.  
 18

Case No. 3:13-cv-00378-EMC

**STIPULATION AND [PROPOSED]  
 ORDER TO MODIFY BRIEFING  
 SCHEDULE AND CONTINUE HEARING  
 DATE ON MOTION TO DISMISS**

Date: June 6, 2013  
 Time: 1:30 p.m.  
 Dept: Courtroom 5, 17th Floor  
 Judge: The Honorable Edward M. Chen

1           WHEREAS, on January 28, 2013, Plaintiff CopyTele, Inc. (“CopyTele”) filed a complaint  
2 (“Complaint”) against Defendants E Ink Holdings, Inc., a Taiwanese corporation, and E Ink  
3 Corporation, a Delaware corporation (collectively “E Ink”);

4           WHEREAS, on January 28, 2013, CopyTele filed a complaint against E Ink Holdings, E  
5 Ink Corp., and AU Optronics Corporation (“AUO”) in the related case No. 3:13-cv-00380-EMC  
6 (“Related Complaint”);

7           WHEREAS, on April 29, 2013, E Ink filed a motion to dismiss all claims against it in the  
8 Complaint;

9           WHEREAS, on April 29, 2013, E Ink also filed a motion to dismiss all claims against it in  
10 the Related Complaint;

11           WHEREAS, on April 29, 2013, E Ink also filed a motion in the alternative to stay the  
12 claims against it in the Related Complaint pending arbitration;

13           WHEREAS, on April 29, 2013, AUO filed a motion to stay the claims against it in the  
14 Related Complaint and compel arbitration;

15           WHEREAS, pursuant to this Court’s stipulated Order, the Case Management Conference  
16 in this case is scheduled for June 6, 2013, at 1:30 p.m., the date and time that E Ink’s motion to  
17 dismiss and AUO’s motion to compel arbitration are scheduled to be heard by the Court (Docket  
18 No. 35);

19           WHEREAS, CopyTele’s lead counsel, Eric Fastiff, has a conflict with the scheduled June  
20 6, 2013 hearing date for the aforementioned motions and Case Management Conference; Mr.  
21 Fastiff is the Chair of the Board of Trustees of his children’s school and is required to preside  
22 over the 8th grade graduation taking place that afternoon;

23           WHEREAS, CopyTele’s responses to the defendants’ motions are currently due May 13,  
24 2013;

25           WHEREAS, in light of the number of motions and related issues to which CopyTele must  
26 respond, CopyTele seeks a one-week extension until May 20, 2013, for CopyTele to respond to  
27 the aforementioned motions;

28           WHEREAS, E Ink and AUO seek a one-week extension to file their reply briefs;

1           WHEREAS, pursuant to this Court's Notice of Unavailability this Court is unavailable  
2 June 13, 2013;

3           WHEREAS, AUO's counsel are also unavailable for a hearing on June 13, 2013;

4           WHEREAS, counsel for all parties are all available for a hearing on June 27, 2013;

5           WHEREAS, continuing the Case Management Conference until June 27, 2013, the  
6 same proposed hearing date as for E Ink's motion to dismiss, would promote judicial economy  
7 and efficiency and facilitate productive case management; and

8           WHEREAS, with the Case Management Conference continued to June 27, 2013, the Case  
9 Management Conference Statement would be due on or before June 20, 2013, pursuant to Civil  
10 General Standing Order No. 6, and no other case deadline would be affected;

11           WHEREAS, the parties seek to modify the briefing schedule and continue the Case  
12 Management Conference and the hearing on the motions until June 27, 2013;

13           **IT IS HEREBY STIPULATED AND AGREED** that:

- 14           1. CopyTele shall file its response to E Ink's motion to dismiss the Complaint on or  
15           before May 20, 2013;
- 16           2. E Ink shall file its reply brief on or before June 3, 2013;
- 17           3. Both the Case Management Conference and the hearing on E Ink's motion shall be  
18           continued from June 6, 2013 to June 27, 2013 at 1:30 p.m.;
- 19           4. Pursuant to Civil General Standing Order No. 6, the Case Management Conference  
20           Statement will be due on or before June 20, 2013.

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Dated: May 3, 2013

LIEFF, CABRASER, HEIMANN  
& BERNSTEIN, LLP

By: /s/ Eric B. Fastiff  
Eric B. Fastiff

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*Attorneys for Plaintiff COPYTELE, INC.*

Dated: May 3, 2013

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*Attorneys for Defendant E INK CORPORATION*

**ATTESTATION**

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

DATED: May 3, 2013

/s/ David T. Rudolph  
David T. Rudolph

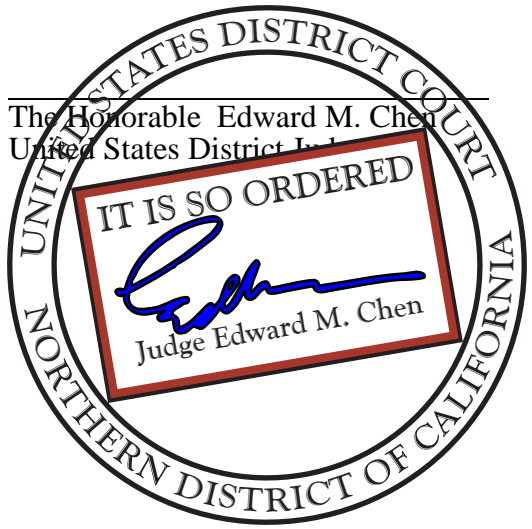
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**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.** For good cause shown:

1. CopyTele shall file its response to E Ink’s motion to dismiss the Complaint (Docket No. 38) on or before May 20, 2013;
2. E Ink shall file its reply brief on or before June 3, 2013;
3. Both the Case Management Conference and the hearing on E Ink’s motion shall be continued from June 6, 2013 to June 27, 2013 at 1:30 p.m.;
4. Pursuant to Civil General Standing Order No. 6, the Case Management Conference Statement will be due on or before June 20, 2013.

Dated: 5/6, 2013



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**CERTIFICATE OF SERVICE**

I hereby certify that, on May 3, 2013, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notification of such filing to all attorneys of record.

\_\_\_\_\_  
 /s/ David T. Rudolph  
 David T. Rudolph