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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 AU OPTRONICS CORPORATION, a  
 16 Taiwanese corporation; E INK  
 HOLDINGS, INC., a Taiwanese  
 17 corporation; and E INK CORPORATION,  
 a Delaware corporation,

18 Defendants.  
 19

Case No. 3:13-cv-00380-EMC

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO CONTINUE CASE  
 MANAGEMENT CONFERENCE**

Date: December 11, 2014  
 Time: 10:30 a.m.  
 Dept: Courtroom 5, 17th Floor  
 Judge: The Honorable Edward M. Chen

1 Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, this Stipulation and [Proposed] Order is  
2 entered into by and between Plaintiff CopyTele, Inc. (“CopyTele”) and Defendants E Ink  
3 Holdings, Inc., a Taiwanese corporation, E Ink Corporation, a Delaware corporation (collectively  
4 “E Ink”), and AU Optronics Corporation (“AUO”), a Taiwanese corporation.

5 WHEREAS, CopyTele filed its complaint in this action on January 28, 2013;

6 WHEREAS, on April 29, 2013, AUO filed a motion to compel arbitration and to stay the  
7 litigation, and E Ink filed motions to dismiss all claims against it and in the alternative to stay the  
8 claims against it pending arbitration between CopyTele and AUO;

9 WHEREAS, on July 9, 2013, in light of CopyTele’s agreement to arbitrate its claims  
10 against AUO, this Court stayed the claims against all defendants pending the resolution of the  
11 arbitration (Dkt. No. 91);

12 WHEREAS, CopyTele filed its Demand for Arbitration before the American Arbitration  
13 Association on September 17, 2013, and AUO filed its Answer in the arbitration on October 28,  
14 2013;

15 WHEREAS, on May 8, 2014, the Court continued the Case Management Conference set  
16 for May 15, 2014 to December 11, 2014, after the Final Arbitration Hearing was to be concluded  
17 (Dkt. No. 103);

18 WHEREAS, the Final Arbitration Hearing was held on November 10-November 21,  
19 2014, in San Francisco, California;

20 WHEREAS, at the conclusion of the Final Arbitration Hearing, CopyTele and AUO  
21 agreed to a post-hearing briefing schedule, with opening briefs due January 15, 2015 and  
22 response briefs due February 5, 2015, and the Tribunal confirmed this schedule in Procedural  
23 Order No. 11, issued November 26, 2014;

24 WHEREAS, in light of the status of the post-hearing briefing in the arbitration, the parties  
25 respectfully request that the Court continue the Case Management Conference to a date after the  
26 post-hearing briefing has been concluded.

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

28 1. The Case Management Conference shall be continued from December 11, 2014 to

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March 5, 2015 at 10:30 a.m.

2. Pursuant to Civil General Standing Order No. 6, the Case Management Conference Statement will be due on or before February 26, 2015.

Dated: December 4, 2014

LIEFF, CABRASER, HEIMANN  
& BERNSTEIN, LLP

By: /s/ Eric B. Fastiff  
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*Attorneys for Plaintiff COPYTELE, INC.*

Dated: December 4, 2014

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*Attorneys for Defendant E INK CORPORATION*

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Dated: December 4, 2014

LATHAM & WATKINS LLP

By: /s/ Matthew Rawlinson  
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*Attorneys for Defendant AU OPTRONICS  
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: December 4, 2014

/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. The Case Management Conference shall be continued from December 11, 2014 to March ~~5~~<sup>12</sup>, 2015 at 10:30 a.m.
2. Pursuant to Civil General Standing Order No. 6, the Case Management Conference Statement will be due on or before February ~~26~~, 2015. March 5, 2015

Dated: \_\_\_\_\_, 2014

