

1 Eric B. Fastiff (State Bar No. 182260)
 (efastiff@lchb.com)
 2 David T. Rudolph (State Bar No. 233457)
 (drudolph@lchb.com)
 3 Melissa A. Gardner (State Bar No. 289096)
 (mgardner@lchb.com)
 4 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
 275 Battery Street, 29th Floor
 5 San Francisco, California 94111-3339
 Telephone: (415) 956-1000
 6 Facsimile: (415) 956-1008

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: November 21, 2013
 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, the parties engaged in Settlement Conference proceedings before Magistrate
13 Judge Jacqueline Scott Corley in August and September but were not successful in resolving the
14 case (Dkt. Nos. 93 & 94);

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

18 WHEREAS, CopyTele and AUO are currently engaged in the arbitrator selection process;

19 WHEREAS, in light of the status of the arbitration, the parties respectfully request that the
20 Court continue the Case Management Conference 90 days;

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

- 22 1. The Case Management Conference shall be continued from November 21, 2013 to
23 February 20, 2014 at 10:30 a.m.
- 24 2. Pursuant to Civil General Standing Order No. 6, the Case Management
25 Conference, Statement will be due on or before February 13, 2014.

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Dated: November 11, 2013

LIEFF, CABRASER, HEIMANN
& BERNSTEIN, LLP

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

Eric B. Fastiff
David T. Rudolf
Melissa Gardner
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008
efastiff@lchb.com
drudolph@lchb.com
mgardner@lchb.com

Attorneys for Plaintiff COPYTELE, INC.

Dated: November 11, 2013

CROWELL & MORING LLP

By: /s/ Beatrice B. Nguyen
Beatrice B. Nguyen

Beatrice B. Nguyen
275 Battery Street, Suite 2300
San Francisco, CA 94111
Telephone: (415) 986-2800
Facsimile: (415) 986.2827
bbnguyen@crowell.com

Attorneys for Defendant E INK CORPORATION

Dated: November 11, 2013

LATHAM & WATKINS LLP

By: /s/ Matthew Rawlinson
Matthew Rawlinson

Matthew Rawlinson
140 Scott Drive
Menlo Park, CA 94025
Telephone: (650) 328-4600
Facsimile: (650) 463-2600
matt.rawlinson@lw.com

*Attorneys for Defendant AU OPTRONICS
CORPORATION*

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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 November 21, 2013 to February 20, 2014 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 13, 2014.

Dated: November 12, 2013

