| 1 | DOUGLAS E. LUMISH, Bar No. 183863 | | |
|--|---|---|--|
| 2 | doug.lumish@lw.com | | |
| 3 | RICHARD G. FRENKEL, Bar No. 204133 rick.frenkel@lw.com | | |
| - | NATASA PAJIC, Bar No. 268144 | | |
| 4 | natasa.pajic@lw.com KARAN S. DHADIALLA, Bar No. 296313 | | |
| 5 | karan.dhadialla@lw.com LATHAM & WATKINS LLP | | |
| 6 | 140 Scott Drive | | |
| 7 | Menlo Park, CA 94025 Telephone: (650) 328-4600 | | |
| 8 | Facsimile: (650) 463-2600 | | |
| 9 | KYLE A. VIRGIEN, Bar No. 278747 kyle.virgien@lw.com | | |
| 10 | LATHAM & WATKINS LLP 505 Montgomery Street, Suite 2000 | | |
| 11 | San Francisco, CA 94111-6538 | | |
| | Telephone: (415) 391-0600 Facsimile: (415) 395-8095 | | |
| 12 | Attorneys for Plaintiff and Counter-Defendant | | |
| 13 | WHATŠAPP INC. | | |
| 14 | UNITED STATE | S DISTRICT COURT | |
| 15 | NORTHERN DISTRICT OF CALIFORNIA | | |
| 15 | | | |
| 16 | | CISCO DIVISION | |
| | | | |
| 16 | SAN FRANC WHATSAPP INC., Plaintiff and | CISCO DIVISION CASE NO. 3:13-CV-4272-JST STIPULATION TO EXTEND | |
| 16 17 | SAN FRANC WHATSAPP INC., | CISCO DIVISION CASE NO. 3:13-CV-4272-JST | |
| 16 17 18 | SAN FRANC WHATSAPP INC., Plaintiff and | CISCO DIVISION CASE NO. 3:13-CV-4272-JST STIPULATION TO EXTEND DEADLINES SET FORTH IN THE | |
| 16 17 18 19 | SAN FRANC WHATSAPP INC., Plaintiff and Counter-Defendant | CISCO DIVISION CASE NO. 3:13-CV-4272-JST STIPULATION TO EXTEND DEADLINES SET FORTH IN THE COURT'S NOVEMBER 17, 2014 | |
| 16 17 18 19 20 | SAN FRANC WHATSAPP INC., Plaintiff and Counter-Defendant v. INTERCARRIER COMMUNICATIONS | CISCO DIVISION CASE NO. 3:13-CV-4272-JST STIPULATION TO EXTEND DEADLINES SET FORTH IN THE COURT'S NOVEMBER 17, 2014 | |
| 16 17 18 19 20 21 | SAN FRANC WHATSAPP INC., Plaintiff and Counter-Defendant v. INTERCARRIER COMMUNICATIONS LLC, | CISCO DIVISION CASE NO. 3:13-CV-4272-JST STIPULATION TO EXTEND DEADLINES SET FORTH IN THE COURT'S NOVEMBER 17, 2014 | |
| 16 17 18 19 20 21 22 | SAN FRANC WHATSAPP INC., Plaintiff and Counter-Defendant v. INTERCARRIER COMMUNICATIONS LLC, Defendant and | CISCO DIVISION CASE NO. 3:13-CV-4272-JST STIPULATION TO EXTEND DEADLINES SET FORTH IN THE COURT'S NOVEMBER 17, 2014 | |
| 16 17 18 19 20 21 22 23 | SAN FRANC WHATSAPP INC., Plaintiff and Counter-Defendant v. INTERCARRIER COMMUNICATIONS LLC, Defendant and | CISCO DIVISION CASE NO. 3:13-CV-4272-JST STIPULATION TO EXTEND DEADLINES SET FORTH IN THE COURT'S NOVEMBER 17, 2014 | |
| 16 17 18 19 20 21 22 23 24 | SAN FRANC WHATSAPP INC., Plaintiff and Counter-Defendant v. INTERCARRIER COMMUNICATIONS LLC, Defendant and | CISCO DIVISION CASE NO. 3:13-CV-4272-JST STIPULATION TO EXTEND DEADLINES SET FORTH IN THE COURT'S NOVEMBER 17, 2014 | |
| 16 17 18 19 20 21 22 23 24 25 | SAN FRANC WHATSAPP INC., Plaintiff and Counter-Defendant v. INTERCARRIER COMMUNICATIONS LLC, Defendant and | CISCO DIVISION CASE NO. 3:13-CV-4272-JST STIPULATION TO EXTEND DEADLINES SET FORTH IN THE COURT'S NOVEMBER 17, 2014 | |
| 16 17 18 19 20 21 22 23 24 25 26 | SAN FRANC WHATSAPP INC., Plaintiff and Counter-Defendant v. INTERCARRIER COMMUNICATIONS LLC, Defendant and | CISCO DIVISION CASE NO. 3:13-CV-4272-JST STIPULATION TO EXTEND DEADLINES SET FORTH IN THE COURT'S NOVEMBER 17, 2014 | |

STIPULATION TO EXTEND DEADLINES SET FORTH IN THE COURT'S NOVEMBER 17, 2014 SCHEDULING ORDER CASE NO. 3:13-CV-4272-JST Plaintiff WhatsApp Inc. ("WhatsApp") and Defendant Intercarrier Communications, LLC
 ("ICC") hereby respectfully submit this joint motion to extend the deadlines set forth in the
 Court's November 16, 2014 Scheduling Order (Dkt. 107). The parties have been and are
 currently engaged in negotiations for amicable resolution of the above-captioned matter and
 request additional time to further these discussions.

According to the Court's most recent Scheduling Order, ICC is supposed to serve
updated infringement contentions and supporting evidence today, February 10, 2015. The
parties have conferred, and subject to the Court's approval, the parties agree to amend the
Court's November 17, 2014 Scheduling Order to move this deadline to March 10, 2015 and the
remainder of the deadlines as follows:

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| 12 | Event | Original Deadline | Amended Deadline |
|----|---|---------------------------|--------------------------------|
| 13 | ICC serves updated infringement contentions and | February 10, 2015 | March 10, 2015 |
| 14 | supporting evidence | | |
| 15 | ICC files motion for leave to amend its infringement contentions | February 19, 2015 | March 19, 2015 |
| 16 | WhatsApp files its limited | March 17, 2015 | April 14, 2015 |
| 17 | motion for summary judgment of non-infringement | March 17, 2015 | April 11, 2013 |
| 18 | Summary Judgment | April 7, 2015 | May 5, 2015 |
| 10 | opposition | | |
| 19 | Summary Judgment reply | April 21, 2015 | May 19, 2015 |
| 20 | Summary Judgment hearing | May 12, 2015 at 2:00 p.m. | June 9, 2015 ¹ |
| | Parties submit further joint | 14 days after the Court | 14 days after the Court |
| 21 | case management statement | rules on WhatsApp's | rules on WhatsApp's |
| 22 | proposing a schedule through trial | limited motion for | limited motion for |
| LL | trial | summary judgment | summary judgment |
| 23 | | | |
| 24 | The case schedule was previously modified, as follows: | | |
| 25 | 1. The time for the case management conference was previously extended from | | |
| 26 | December 11, 2013 to January 22, 2014. | | |
| 27 | | | |
| 28 | ¹ Subject to the Court's availability | | |
| | Subject to the Court's availability | STIDUL ΑΤΙΩΝ ΤΟ | D EXTEND DEADLINES SET FORTH I |
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| 1 | 2. | The time to exchange preliminary | claim constructions and supporting evidence was |
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| 2 | | extended from May 5, 2014 to Ma | ny 13, 2014. |
| 3 | 3. | 3. The time for ICC to file a replacement opening claim construction brief was extended | |
| 4 | | from July 21, 2014 to July 23, 201 | 4. |
| 5 | 4. | The time for WhatsApp to file its | claim construction brief was extended from August |
| 6 | | 4, 2014 to August 5, 2014. | |
| 7 | 5. | 5. The time for ICC to file its reply claim construction brief was extended from August | |
| 8 | | 11, 2014 to August 18, 2014. | |
| 9 | 6. | The time for the technology tutori | al hearing was extended from September 8, 2014 to |
| 10 | | September 30, 2014. | |
| 11 | 7. | The time for the claim construction | n hearing was extended from September 23, 2014 |
| 12 | | to October 14, 2014. | |
| 13 | 8. | The time for WhatsApp to serve it | ts supplemental invalidity contentions was extended |
| 14 | | from October 27, 2014 to Novemb | per 12, 2014. |
| 15 | 9. | The time for the parties to serve it | s Further Joint Case Management Statement was |
| 16 | | extended from November 5, 2014 | to November 7, 2014 and again to November 11, |
| 17 | | 2014. | |
| 18 | WHEREFORE, WhatsApp and ICC respectfully request the Court to modify its | | espectfully request the Court to modify its |
| 19 | November 16, 2014 Scheduling Order to permit the extensions as set forth above. | | |
| 20 | | | |
| 21 | | | Respectfully submitted, |
| 22 | | | |
| 23 | Dated: Fe | bruary 10, 2015 | By: <u>/s/ Richard G. Frenkel</u> |
| 24 | | | Richard G. Frenkel LATHAM & WATKINS LLP |
| 25 | | | Counsel for WhatsApp, Inc. |
| 26 | Dated: Fe | bruary 10, 2015 | By: <u>/s/ Timothy Devlin</u> |
| 27 | | | Timothy Devlin DEVLIN LAW FIRM LLC |
| 28 | | | Counsel for InterCarrier Communications, LLC |
| | | | STIPULATION TO EXTEND DEADLINES SET FORTH IN THE |

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| Image: Problem intervention 1 Pursuant to Civil Local Rule 5-1(i)(3), Richard G. Frenkel hereby attests that the 2 concurrence in the filing of this document has been obtained from the other signatories, which 4 shall serve in lieu of their signatures. 5 by: ////ichard G. Frenkel Extremel 6 Extremel Frenkel LATHAM & WATKINS LLP Counsel for WhatsApp, Inc. 7 Counsel for WhatsApp, Inc. 8 Image: Provide ProvideProvide Provide Provide Provide Provide Provide Provid | | |
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| 3 concurrence in the filing of this document has been obtained from the other signatories, which 4 shall serve in lieu of their signatures. 5 By: <u>A/Richard G, Frenkel</u> Richard G, Frenkel LATHAM & WATKINS LLP Counsel for WhatsApp, Inc. 8 Image: Image | 1 | FILER'S ATTESTATION |
| 4 shall serve in lieu of their signatures. 5 By: <u>AV Richard G, Frenkel</u> Richard G, Frenkel LATHAM & WATKINS LLP Counsel for WhatsApp, Inc. 7 Image: Constraint of the second | 2 | Pursuant to Civil Local Rule 5-1(i)(3), Richard G. Frenkel hereby attests that the |
| 5 By: <u>AV Richard G. Frenkel</u> Richard G. Frenkel LATHAM & WATKINS LLP Counsel for WhatsApp, Inc. 8 9 10 11 12 13 14 15 16 17 18 19 20 21 21 22 23 24 25 26 27 1 | 3 | concurrence in the filing of this document has been obtained from the other signatories, which |
| 6 Richard G. Frenkel 7 Counsel for WhatsApp, Inc. 8 9 10 11 12 13 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 | 4 | shall serve in lieu of their signatures. |
| 6 LATHAM & WATKINS LLP 7 Counsel for WhatsApp, Inc. 8 9 9 10 10 11 12 13 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 14 | 5 | By: <u>/s/ Richard G. Frenkel</u> |
| 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 | 6 | LATHAM & WATKINS LLP |
| 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 | 7 | Counsel for whatsApp, me. |
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| 1 | [PROPOSED]-ORDER |
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| 2 | PURSUANT TO STIPULATION, IT IS SO ORDERED. |
| 3 | TES DISTRICT |
| 4 | Dated: February 12, 2015 |
| 5 | E ORDERED E |
| 6 | STATIS SO ORDERED |
| 7 | Z Judge Jon S. Tigar |
| 8 9 | |
| 10 | FERN DISTRICT OF CT |
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