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 10 Attorneys for Defendant and Counter-Plaintiff
 InterCarrier Communications, LLC

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN FRANCISCO DIVISION**

15 WHATSAPP INC.,
 16
 17 Plaintiff and
 Counter-Defendant
 18 v.
 19 INTERCARRIER COMMUNICATIONS
 LLC,
 20
 21 Defendant and
 Counter-Plaintiff

CASE NO. 3:13-CV-4272-JST
**STIPULATED MOTION FOR ONE-
 WEEK EXTENSION OF TIME FOR ICC
 TO FILE ITS REPLY CLAIM
 CONSTRUCTION BRIEF**

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1 Defendant and Counterclaim-Plaintiff Intercarrier Communications, LLC (“ICC”) and
2 Plaintiff and Counterclaim-Defendant WhatsApp, Inc. (“WhatsApp”) hereby stipulate and
3 respectfully submit this motion to for a one-week extension of time for ICC to file its Reply
4 claim construction brief. The Court’s Scheduling Order (Dkt. No. 33) currently sets a due date
5 for ICC’s Reply claim construction brief of August 11, 2014. The extension would make the
6 brief due on August 18, 2014.

7 The parties previously filed, and the Court approved, a stipulation permitting ICC to
8 submit a shortened Opening brief of 25 pages or less, and further granted WhatsApp a
9 corresponding one-day extension to its deadline to file its Response claim construction brief, so
10 that its brief was due on August 5, 2014. (Dkt. 66, 69.) The parties filed and served their
11 respective briefs on those scheduled dates.

12 While the dates of WhatsApp’s Response brief and ICC’s Reply brief allowed only a
13 short turnaround for ICC’s Reply (six days), ICC expected and intended to file its Reply brief on
14 the scheduled date. However, as of last night, Thursday August 7, the lead associate on the case
15 for ICC became indisposed due to a medical issue. The medical issue will sideline the lawyer
16 (one of two lawyers working on the claim construction brief) for several days. Also, while a
17 several day extension would typically be sufficient for ICC under these circumstances, the other
18 ICC lawyer working on the brief (the lead lawyer on the case) has a Markman hearing in an
19 unrelated case that will take place in Boston on Wednesday, August 13; and then mediation in
20 the above-captioned case in the San Francisco area on Thursday, August 14, with travel back to
21 the East coast thereafter. Accordingly, a one-week extension will allow counsel sufficient time
22 to prepare the brief even in light of these intervening dates.

23 Finally, the Court recently moved the Markman tutorial and hearing in this case back
24 several weeks, to September 30, 2014 and October 14, 2014, respectively. (Dkt. 65.) It is
25 therefore hoped that a one-week extension of time for ICC’s reply brief will not substantially
26 impact the Court’s time for preparation for the Markman tutorial and hearing.

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FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), Tim Devlin hereby attests that the concurrence in the filing of this document has been obtained from the other signatories, which shall serve in lieu of their signatures.

By: /s/ Timothy Devlin
Timothy Devlin
DEVLIN LAW FIRM LLC
Counsel for InterCarrier Communications, LLC

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 8, 2014

