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9	Attorneys for Defendant and Counter-Plaintiff	
10	InterCarrier Communications, LLC	
11	UNITED STATES	DISTRICT COURT
12	NORTHERN DISTR	ICT OF CALIFORNIA
13	SAN FRANCISCO DIVISION	
14		
15	WHATSAPP INC.,	CASE NO. 3:13-CV-4272-JST
16	Plaintiff and	STIPULATED MOTION FOR ONE-
17	Counter-Defendant	WEEK EXTENSION OF TIME FOR ICC
18	v.	TO FILE ITS REPLY CLAIM CONSTRUCTION BRIEF
19	INTERCARRIER COMMUNICATIONS	
20	Defendant and	
21	Counter-Plaintiff	
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STIPULATED MOTION TO FILE ICC'S OPENING CLAIM-CONSTRUCTION BRIEF OUT OF TIME Defendant and Counterclaim-Plaintiff Intercarrier Communications, LLC ("ICC") and Plaintiff and Counterclaim-Defendant WhatsApp, Inc. ("WhatsApp") hereby stipulate and respectfully submit this motion to for a one-week extension of time for ICC to file its Reply claim construction brief. The Court's Scheduling Order (Dkt. No. 33) currently sets a due date for ICC's Reply claim construction brief of August 11, 2014. The extension would make the brief due on August 18, 2014.

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

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

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1	Accordingly, the parties stipulate, subject to the Court's approval, that ICC shall have a
2	one-week extension of time to file and serve its Reply claim construction brief. The new
3	deadline for ICC's reply claim construction brief will be August 18, 2014. In addition, to
4	facilitate the mediation this week, ICC will, before the date of the mediation, provide WhatsApp
5	with an informal identification of the arguments and authorities that will be set forth in ICC's
6	Reply brief.
7	Respectfully submitted,
8	Dated: August 8, 2014
9	By: <u>/s/ Timothy Devlin</u>
10	Timothy Devlin DEVLIN LAW FIRM LLC
11	Counsel for InterCarrier Communications, LLC
12	Dated: August 8, 2014
13	By: <u>/s/ Richard G. Frenkel</u> Richard G. Frenkel
14	LATHAM & WATKINS LLP Counsel for WhatsApp, Inc.
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I	STIPULATED MOTION TO FILE ICC'S OPENING

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1	FILER'S ATTESTATION
2	Pursuant to Civil Local Rule 5-1(i)(3), Tim Devlin hereby attests that the concurrence in
3	the filing of this document has been obtained from the other signatories, which shall serve in lieu
4	of their signatures. By: /s/ Timothy Devlin
5	By: <u>/s/ Timothy Devlin</u> Timothy Devlin DEVLIN LAW FIRM LLC
6	Counsel for InterCarrier Communications, LLC
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	STIDULATED MOTION TO DUE LOCUS OPENING

1	ORDER
2	PURSUANT TO STIPULATION, IT IS SO ORDERED.
3	NTES DISTRICT
4	Dated: August 8, 2014
5	IT IS SO ORDERED
6	S IT IS SU Juin 4
7	Z Judge Jon S. Tigar
8	Judge Jon 5. Tiger O
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