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12 Attorneys for Plaintiff and Counter-Defendant
13 WHATSAPP INC.

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 WHATSAPP INC.,

18 Plaintiff and
19 Counter-Defendant

20 v.

21 INTERCARRIER COMMUNICATIONS
LLC,

22 Defendant and
23 Counter-Plaintiff

CASE NO. 3:13-CV-4272-JST

**STIPULATION TO WITHDRAW
EXPERT CLAIM CONSTRUCTION
DECLARATIONS**

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1 WHEREAS WhatsApp, Inc. (“WhatsApp”) included with its responsive claim
2 construction brief a Declaration of Michael J. Freedman in Support of WhatsApp’s Responsive
3 Claim Construction Brief.

4 WHEREAS ICC has raised with WhatsApp the procedural issue that neither party had
5 disclosed expert testimony in the parties’ Joint Claim Construction and Pre-Hearing Statement.

6 WHEREAS InterCarrier Communications, LLC (“ICC”), as a precaution, included with
7 its reply claim construction brief a Declaration of Regis J. Bates Jr. in Support of InterCarrier
8 Communications LLC’s Reply Claim Construction Brief.

9 WHEREAS the parties prefer to avoid any possibility that they may be acting out of
10 concert with the Patent Local Rules.

11 IT IS HEREBY STIPULATED AND AGREED, by and among the parties and their
12 respective counsel of record and with the permission of the Court, that the parties withdraw their
13 respective expert declarations and all citations to these declarations in the claim-construction
14 briefing.

15 Respectfully submitted,

16
17 Dated: August 19, 2014

By: /s/ Richard G. Frenkel
Richard G. Frenkel
LATHAM & WATKINS LLP
Counsel for WhatsApp, Inc.

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20 Dated: August 19, 2014

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

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FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), Richard G. Frenkel 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/ Richard G. Frenkel
Richard G. Frenkel
LATHAM & WATKINS LLP
Counsel for WhatsApp, Inc.

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 22, 2014

